



# City of Ellisville

## PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES

Meeting Date: April 14, 2021

I. **CALL TO ORDER:** Chairman Rob Compton called the meeting to order at 7 PM

II. **ROLL CALL**

	<u>PRESENT</u>	<u>ABSENT</u>
Nancy Bengtson .....	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lee Foster .....	<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"/>
Al Tamulaitis.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chairman Compton .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Scatizzi .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Ellebrecht .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rajiv Gupta .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Also present were City Planner Ada Hood, Assistant City Attorney Cindy Parnell, City Manager Bill Schwer, Council Member Linda Reel and Council Member Dan Duffy.

III. **APPROVAL OF AGENDA**

A motion was made by Commissioner Ellebrecht to approve the Agenda, and was seconded by Commissioner Foster.

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Nancy Bengtson.....	<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"/>
Sandie McGrath .....	<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"/>
Al Tamulaitis.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chairman Compton .	<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"/>

John Ellebrecht .....  .....  .....  .....   
 Rajiv Gupta .....  .....  .....  .....

**IV. APPROVAL OF MEETING MINUTES**

Chairman Compton moved to approve the Meeting Minutes of March 10, 2021, and was seconded by Commissioner Ellebrecht.

<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 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"/>
Sandie McGrath .....	<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"/>
Al Tamulaitis.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chairman Compton .	<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"/>
John Ellebrecht .....	<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"/>

**V. PUBLIC HEARINGS**

**A. Petition #21-04-01. Petition of John Zufall for a change in zoning of the property known as 119 Old State Road from the “R-1” Single-Family Residential Zoning District to the “C-1” Open Space Commercial Zoning District.**

Chairman Compton opened the public hearing and Assistant City Attorney Parnell read the exhibits into the record. Chairman Compton swore City Planner Ada Hood and Mr. Jeff Zufall in.

City Planner Hood made a presentation summarizing the application. She indicated that the property and structure would comply with the regulations applicable under the proposed C-1 Open Space Commercial Zoning District, with the exception of some of the required landscape buffers. Planner Hood noted that the City’s third-party landscape architect had reviewed the site and recommended a waiver from the strict application of the landscape buffer requirements, for as long as the property and structure remain residential ‘looking’. The City’s third-party landscape architect also recommended that if the property or structure exterior were to change significantly, that the required fence and landscape buffers should be installed at that time.

Chairman Compton asked if cross access would be provided. Planner Hood stated that cross access was not required by code and not provided. The applicant asked about cross access. City Planner Hood explained that a cross access easement would be

recorded upon the applicant's property to allow access to the abutting properties. She further explained that if, and when the abutting properties requested approvals from the City, that the same cross access easements would be collected, and once all the cross-access easements were collected, the City would require the actual improvements on the properties.

Commissioner Niebling indicated she would not be in support of requiring cross access. She also asked if the trash enclosure issue should be resolved at this meeting. Planner Hood stated that the Commission could try to work it out with the applicant now, or staff would ascertain compliance prior to occupancy permit issuance (needed for change in ownership).

Commissioner McGrath asked that the condition regarding the landscape buffer waivers also include the language recommended by the landscape architect, "unless substantial exterior improvements are proposed."

Commissioner Foster asked about maintenance of the landscaping. Chairman Compton indicated that the City codes provide for required maintenance.

Chairman Compton asked if there were any public comments, none were received. Chairman Compton closed the public hearing.

Commissioner Foster moved, and was seconded by Commissioner Ellebrecht, to forward a positive recommendation with the following conditions:

1. Require the installation of one 3" shade tree OR three 2" ornamental trees along Old State Road; and
2. The City Council approves the landscape waivers recommended by the City's third-party landscape architect, unless or until substantial exterior improvements are proposed; and
3. As per 302.10.4, that the applicant substantiates trash quantities do not exceed three (3) thirty-two-gallon cans per collection or one (1) ninety-gallon container per collection, OR the applicant must install a masonry enclosure, prior to a new occupancy permit is issued; and
4. That the applicant installs bike racks or requests a waiver from the City Council; and
5. That any new or replacement lighting fixtures comply with Sections 400.492 and 400.493 of the Zoning Code. The property owner is responsible for making himself aware and familiar with these requirements and agrees to comply with the requirements if, and when new lighting is installed or existing lighting fixtures are replaced; and

6. That a cross access easement to the parking lot and/or drive, at a location recommended by the City Planner, is recorded and proof of such recording is submitted to the City.

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Nancy Bengtson .....	<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"/>
Sandie McGrath .....	<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"/>
Al Tamulaitis.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chairman Compton .	<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"/>
John Ellebrecht .....	<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"/>

**B. Petition #21-04-02. The Planning and Zoning Commission will discuss and consider 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 adopt regulations pertaining to electric car charging stations (Continued from March meeting).**

Chairman Compton opened the public hearing and Assistant City Attorney Parnell read the exhibits into the record. City Planner Ada Hood having been already sworn in, made a presentation summarizing the proposed text amendments.

Commissioner Foster asked whether the Commission should add stipulations to prevent light and noise nuisances. He was also concerned about non-electrical vehicles parking in the EVCSs. Chairman Compton indicated that the City Code already has a process in place for nuisances and code enforcement and that the use of the EVCSs should be treated as a civil matter; each property owner can resolve issues as they deem best.

Commissioner Niebling asked whether permits would be required for EVCSs. City Planner Hood indicated that although zoning approval was not required, an electrical permit would be required and possibly a building permit for any new structural improvements.

Chairman Compton asked if there were any public comments, none were received. Chairman Compton closed the public hearing.

Commissioner Ellebrecht moved to forward a positive recommendation. It was seconded by Commissioner Tamulaitis.

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Nancy Bengtson .....	<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"/>
Sandie McGrath .....	<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"/>
Al Tamulaitis.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chairman Compton .	<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"/>
John Ellebrecht .....	<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"/>

**VI. PETITIONS**

- A. Petition #21-04-03 of Daniel Siemer, on behalf of Culver’s Restaurant, for issuance of a conditional use permit to allow a fast-food restaurant with drive-through facilities at the location known and numbered as 15978 Manchester Road, within the “C-3” Commercial Zoning District of the City of Ellisville, Missouri.

City Planner Hood gave a presentation summarizing the project and compliance with the applicable City Codes.

Chairman Compton asked whether any lighting would be removed along Pretoria and commented that appropriate lighting levels should be preserved. Commissioner Ellebrecht informed the Commission that there was no lighting on this side of the street, but that it was well- lit.

Commissioner Niebling asked about the development of the abutting property. She had concerns over the future development and the potential for exacerbating negative traffic impacts. City Planner Hood responded that apartments were proposed for the abutting property. Additionally, traffic consultant Julie Nolfo stated that a traffic study would be required for the proposed apartments and that the proposed Culver’s would be included in the calculations.

Commissioner Ellebrecht asked where the extra 4.5’ used to widen Pretoria was coming from. Traffic consultant Nolfo explained that the extra width was coming from the slimming of the existing street median along Pretoria. Commissioner Ellebrecht commented that the existing monument sign would appear uncentered within the median, since 4.5’ would be taken from one side. Commissioner Foster expressed concern over sight distance visibility at Pretoria and Manchester Road due to the monument sign. Commissioner Ellebrecht explained that visibility was good once you rolled up past the stop bar. Commissioner Foster suggested that if one Bradford Tree is

removed (along Pretoria), then all trees should be removed at the same time, to create visual symmetry.

Commissioner Niebling expressed continued concern over traffic at this location. Specifically, since there is no center median along this segment of Manchester Road and traffic conflicts are multiplied. Commissioner Niebling also commented on the drop in Level of Service (LOS). She also expressed concern regarding the capacity of the drive through lane. Traffic consultant Nolfo stated that the revised plan, with the double queue lanes addressed the traffic consultant's initial concerns. She also agreed that LOS is bad along Manchester Road and that is just the way it is. Traffic consultant Nolfo also explained that the drop in LOS at Weis Avenue equated to an additional five cars, which was not significant enough to warrant improvements.

Commissioner Ellebrecht asked about the dilapidated retaining wall along the south property line of the subject site. The applicant agreed to look at the wall and make any necessary repairs and/or replacement.

Commissioner McGrath asked about cross access from the site to Kiefer Creek Road. City Planner Hood indicated that cross access was still needed from the property at 15970 Manchester Road to access Kiefer Creek from the subject site. Commissioner McGrath also asked the applicant if the updated Phase 1 had been submitted to the City. The applicant indicated that the revised Phase 1 was not complete yet, but that it would be submitted to the City as soon as it was complete.

Commissioner McGrath moved to, and Commissioner Ellebrecht seconded, waive the public hearing and forward a positive recommendation with the following recommendations:

1. That the applicant submits the updated Phase 1 to the City; and
2. That the City Council approves the site layout, as proposed; and
3. That the applicant installs bike racks as required by code, or secures a waiver from the City Council; and
4. That the applicant replaces the Bradford Pear tree along Manchester with an approved species; and
5. That the applicant replaces all the existing Bradford Pear trees along Pretoria Drive at the same time, if and when any one Bradford Pear tree becomes damaged or dies; and
6. That the applicant installs a walkway (painted, stamped concrete or pavers) across the curb cut along Pretoria Drive to connect the sidewalk on either side of the cut; and
7. That all the proposed sidewalk luminaires be located on the subject property; and
8. That the applicant secures approval of a Boundary Adjustment plat; and
9. That the applicant secures ARB approval for the façade changes.

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Nancy Bengtson.....	<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"/>
Sandie McGrath .....	<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"/>
Al Tamulaitis.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chairman Compton .	<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"/>
John Ellebrecht .....	<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"/>

B. The Planning and Zoning Member Handbook

Assistant City Attorney Parnell summarized the purpose and structure of the PZ Handbook. Commissioner Niebling questioned the reasoning behind not being able to speak to applicants and potential applicants. She requested further clarification as to how to know when someone is a potential applicant.

City Planner Hood responded that the intent is for transparency. Assistant City Attorney Parnell added that if someone starts to ask about a potential project, then that is when they become a 'potential applicant' and it is incumbent upon the Commissioner to refer them to City staff.

Commissioner Niebling asked about the page numbering and requested changes that made it clear which page (within the specific documents) certain sections were referencing. Assistant Attorney Parnell agreed to look into making the changes.

Commissioner Ellebrecht moved to approve the PZ Handbook. It was seconded by Commissioner Foster.

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Nancy Bengtson.....	<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"/>
Sandie McGrath .....	<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"/>
Al Tamulaitis.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chairman Compton .	<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"/>
John Ellebrecht .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Rajiv Gupta .....  .....  .....  .....

**VII. ADJOURNMENT**

Chairman Rob Compton adjourned the meeting at 9:05 PM.