

**CITY OF ELLISVILLE
COUNCIL MEETING**

APRIL 21, 2021

Due to the Saint Louis County Executive Order gathering limitations the April 21, 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 Roerman served as the host of this videoconference meeting and opened this Regular Meeting at 7:13 p.m. In attendance were via videoconference were Council Members McGrath, Reel, Cahill, Pool and Duffy.

Also present via videoconference were: City Manager Schwer, City Attorney Restovich, City Planner Hood, Chief Steve Lewis, Director of Parks & Recreation Blumer, and City Clerk Dohack.

All those in attendance via videoconference recited the Pledge of Allegiance.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Mayor Roerman moved to approve the minutes from the April 7, 2021 Regular Council Meeting. The motion was seconded by Council Member Duffy. The votes on the minutes were: Reel "AYE", Cahill "AYE", Pool "AYE", Duffy "AYE", Roerman "AYE", and McGrath "AYE".

PUBLIC COMMENTS I

Michael Hof, 66 Cathcart – Apt. C, commented that he is against the Culver's proposed project on Manchester at Pretoria due to the current issues with traffic at that intersection and suggested a signal at Pretoria.

PETITIONS

1501 La Dina (Greg and Courtney Feulner), fence variance

Petition from Greg and Courtney Feulner for City Council consideration and approval allow a new six-foot white vinyl privacy fence located forward of the required front building line along Hutchinson Road at 1501 La Dina within the R-1 Single Family residential Zoning District.

Mr. Feulner was present to answer questions of the Council and commented that the requested fence would allow for use of the side portion of the yard which is on a corner lot. Council Member Duffy is in favor of this petition as long as the fence stays off of the easements on the property. Mr. Feulner stated that he would be amenable to placement of the fence inside of the easement.

Mayor Roemerma moved to consider the petition with the condition that the fence be placed inside of the easement, seconded by Council Member Duffy. The votes were: Pool "AYE", Duffy "AYE", Roemerma "AYE", McGrath "AYE", Reel "AYE", and Cahill "AYE".

2301 Westhills Park Drive, Ellisville Athletic Association, food truck request

Petition from Mark Wassan, President of Ellisville Athletic Association, for City Council consideration and approval to allow food trucks at their facility located at 2301 Westhills Park Drive.

There was no discussion regarding this request. Mayor Roemerma moved to consider the petition as presented, seconded by Council Member Duffy. The votes were: Pool "AYE", Duffy "AYE", Roemerma "AYE", McGrath "AYE", Reel "AYE", and Cahill "AYE".

RECIPT/FILING PLANNING AND ZONING RECOMMENDATIONS/REPORTS

Mayor Roemerma 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 April 15, 2021 relative to the petition of John Zufall for a change in zoning of the property known as 119 Old State Road from "R-1" Single-Family Residential Zoning District to the "C-1" Open Space Commercial Zoning District.
- B. Receipt and filing of Planning and Zoning Commission's positive recommendation dated April 15, 2021 relative to the 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 adopt regulations pertaining to electric car charging stations.
- C. Receipt and filing Planning and Zoning Commission's positive recommendation dated April 15, 2021 relative to the petition 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 as the location known and numbered as 15978 Manchester Road, within the "C-3" Commercial Zoning District.

The motion was seconded by Council Member Duffy. The votes were: Pool "AYE", Duffy "AYE", Roemerma "AYE", McGrath "AYE", Reel "AYE", and Cahill "AYE".

PUBLIC HEARINGS

119 Old State Road (John Zufall), rezoning to C-1

Mayor Roemerma opened the public hearing regarding the request of John Zufall for a change in zoning of the property known as 119 Old State Road from "R-1" Single-Family Residential Zoning District to the "C-1" Open Space Commercial Zoning District. City Attorney Restovich entered the following exhibit for purposes of this hearing: Exhibit 1-15, entered at Public Hearing before the Planning and Zoning Commission on April 14, 2021; Exhibit 16, Planning and Zoning Commission Report and Favorable Recommendation dated April 15, 2021; and Exhibit 17, City Planner's Memo dated April 15, 2021.

John Zufall, City Planner Hood and City Manager Schwer were sworn in.

Mr. Zufall stated that he was purchasing the building and not changing the type of use. Council Member Cahill stated that he was glad that Mr. Zufall was staying in Ellisville.

There were no public comments.

Mayor Roemerman polled the participating Ellisville residents and property owners regarding the information as presented: Two (2) residents were in favor and no one was in opposition.

Mayor Roemerman closed the public hearing.

Text Amendments pertaining to Electric Vehicle Charging Stations

Mayor Roemerman opened the public hearing pertaining to 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 add Section 400.415 Electric Vehicle Charging Stations (EVCS). 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 8-9, , entered at Pubic Hearing before the Planning and Zoning Commission on April 14, 2021; Exhibit 10, Notice published in *The Countian* on April 5, 2021; Exhibit 11, Planning and Zoning Commission Report and Favorable Recommendation dated April 15, 2021; and Exhibit 12, City Planner's Memo dated April 15, 2021.

City Planner Hood was sworn in during 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 amendment defines the regulations for charging stations, such as, permits may be required and that setback will be dedicated by the district. It was noted that if a charging station requires payment for use, a business license may be required. Also, these charging stations will be an accessory in the R-1 or R-2 residential districts.

Council Member Duffy asked that it these proposed amendments were put together from other municipalities regulations. City Planner Hood stated that these proposed amendments were from best practices.

There were no public comments.

Mayor Roemerman 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 Roemerman closed the public hearing.

15978 and 1570 (partial) Manchester Road (Culver's Restaurant), drive-through CUP and Boundary Adjustment Plat

Mayor Roemerman opened the public hearing pertaining the petition of Daniel and Valerie Siemer, on behalf of Culver's Restaurant, for issuance of a conditional use permit to allow a drive-through facility and approval of a Boundary Adjustment Plat associated with a new Culver's Restaurant at the location known and numbered as 15978 and 15970 (partial) Manchester Road, within the "C-3" Commercial Zoning District. City Attorney Restovich entered the following exhibit for purposes of this hearing: Exhibit 1, Certified copy of Municipal Code, Exhibit 2, Zoning District Map; Exhibit 3, Comprehensive Plan; Exhibit 4, Notice published in *The Countian* on April 5,

2021; Exhibit 5, Public Posting of Hearing Notice on April 6, 2021; Exhibit 6, Letter mailed to abutting residents within 185 feet dated April 5, 2021; Exhibit 7, Applicant's Cover Sheet received March 10, 2021; Exhibit 8, Application for Conditional Use Permit received March 10, 2021; Exhibit 9, Application for Boundary Adjustment received March 10, 2021 with attached plans; ; Exhibit 10, Application for Site Plan Review received March 10, 2021 with attached plans; Exhibit 11, Letter from Cochran Project Manager to City Council dated March 31, 2021; Exhibit 12, Terraspec Landscape Plan Review dated March 29, 2021; Exhibit 13, Lochmueller Group Memo to City Planner dated April 6, 2021; Exhibit 14, Letter from MoDOT to Lochmueller Group dated July 7, 2020; Exhibit 15, Lochmueller Group Traffic Impact Study dated May 11, 2020; Exhibit 16, Cochran Geotechnical Investigation for Culver's – Ellisville; Exhibit 17, Planning and Zoning Commission Report and Favorable Recommendation dated April 15, 2021; and Exhibit 18, City Planner's Memo dated April 15, 2021.

Daniel and Valerie Siemer with Culver's, Steve Randall with Cochran, Wendy Martin with Ollmann Ernest Martin Architects, and Julie Nolfo with Lochmueller Group were sworn in. City Planner Hood was sworn in during the previous public hearing.

There was no formal presentation so discussion proceeded for the proposed restaurant. Council Members began with questions about the exit from Pretoria Drive to Manchester Road. Mr. Randall noted that there will be cross access to the property to the east of the proposed site. Council Member Duffy asked if there would be enough space to provide a dedicated lane for left turns onto Manchester. Ms. Nolfo state that the additional lane is recommended and there would be enough space for this lane. Council Member McGrath asked about the possibility of a signal at this intersection and about cross access to the Creek Valley facility. City Manager Schwer noted that cross access is available to Creek Valley but there are some grade and elevations that need to be addressed. Discussion took place about the intersection and the monument sign for the Clarkchester Apartments. It was noted that this sign will not be removed. Council Member Pool noted that this could be a very dangerous intersection and would a signal be possible. Ms. Nolfo noted that if signalization would be considered by MoDOT it would be a Weis Avenue and purchase of property on the South side of Manchester would be required for realignment. Council Member Cahill noted that other developments on Manchester were not allowed a curb cut onto a residential street and asked why this one would be considered. Mr. Siemer noted that MoDOT has requested the access onto Pretoria Drive for cross access. Discussion continued about the amount of curb cuts on Manchester and the consolidation once the property to the east is developed.

Public Comments

Michael Hof, 66 Cathcart – Apt. C, commented that the left turn lane will not help and there will still be too much traffic for the residents trying to leave the Clarkchester Apartments. Mr. Hof suggested that a signal be installed to help with traffic concerns.

Mayor Roerman polled the participating Ellisville residents and property owners regarding the information as presented: One (1) resident was in favor and two (2) residents were in opposition.

Mayor Roerman closed the public hearing.

LEGISLATION

Ord. #3475, 119 Old State Road, rezoning to “C-1” Open Space Commercial Zoning District

Council Member Cahill introduced Bill #3705, AN ORDINANCE REZONING THE PROPERTY KNOWN AND NUMBERED AS 119 OLD STATE ROAD FROM THE “R-1” SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT TO THE “C-1” OPEN SPACE COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Cahill moved for consideration and perfection of Bill #3705, seconded by Council Member McGrath. The votes on the first reading of Bill #3705 were: Pool “AYE”, Duffy “AYE”, Roemerman “AYE”, McGrath “AYE”, Reel “AYE”, and Cahill “AYE”. Council Member Cahill introduced Bill #3705 for final passage, AN ORDINANCE REZONING THE PROPERTY KNOWN AND NUMBERED AS 119 OLD STATE ROAD FROM THE “R-1” SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT TO THE “C-1” OPEN SPACE COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Cahill moved for final passage of Bill #3705, seconded by Council Member Pool. The votes on the second reading of Bill #3705 were: Pool “AYE”, Duffy “AYE”, Roemerman “AYE”, McGrath “AYE”, Reel “AYE”, and Cahill “AYE”. Bill #3705 becomes ORDINANCE #3475.

Ord. #3476, Text Amendments pertaining to Electric Vehicle Charging Stations

Council Member Pool introduced Bill #3706, AN ORDINANCE AMENDING TITLE IV: LAND USE, CHAPTER 400: ZONING REGULATIONS, OF THE MUNICIPAL CODE OF THE CITY OF ELLISVILLE, TO ALLOW AND REGULATE ELECTRIC VEHICLE CHARGING STATIONS WITHIN THE CITY OF ELLISVILLE, MISSOURI. Council Member Pool moved for consideration and perfection of Bill #3706, seconded by Council Member Duffy. The votes on the first reading of Bill #3706 were: Pool “AYE”, Duffy “AYE”, Roemerman “AYE”, McGrath “AYE”, Reel “AYE”, and Cahill “AYE”. Council Member Pool introduced Bill #3706 for final passage, AN ORDINANCE AMENDING TITLE IV: LAND USE, CHAPTER 400: ZONING REGULATIONS, OF THE MUNICIPAL CODE OF THE CITY OF ELLISVILLE, TO ALLOW AND REGULATE ELECTRIC VEHICLE CHARGING STATIONS WITHIN THE CITY OF ELLISVILLE, MISSOURI. Council Member Pool moved for final passage of Bill #3706, seconded by Mayor Roemerman. The votes on the second reading of Bill #3706 were: Pool “AYE”, Duffy “AYE”, Roemerman “AYE”, McGrath “AYE”, Reel “AYE”, and Cahill “AYE”. Bill #3706 becomes ORDINANCE #3476.

Ord. #3477, Text Amendments pertaining to Electric Vehicle Charging Stations

Council Member Reel introduced Bill #3707, AN ORDINANCE AUTHORIZING ISSUANCE OF A CONDITIONAL USE PERMIT TO CULVER’S RESTAURANT TO ALLOW THE OPERATION OF A RESTAURANT WITH DRIVE-THROUGH FACILITIES AT, AND APPROVING AN ASSOCIATED SITE DEVELOPMENT PLAN AND BOUNDARY ADJUSTMENT PLAT FOR, THE PROPERTIES KNOWN AND NUMBERED AS 15978 MANCHESTER ROAD AND 15970 MANCHESTER ROAD (PARTIAL), WITHIN THE “C-3” COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLSIVILLE, MISSOURI. Council Member Reel moved for consideration and perfection of Bill #3707, seconded by Council Member Duffy. The votes on the first reading of Bill #3707 were: Pool “AYE”, Duffy “AYE”, Roemerman “AYE”, McGrath “AYE”, Reel “AYE”, and Cahill “AYE”. Council Member Pool introduced Bill #3706 for final passage, AN ORDINANCE AUTHORIZING ISSUANCE OF A CONDITIONAL USE PERMIT TO CULVER’S RESTAURANT TO ALLOW THE OPERATION OF A RESTAURANT WITH DRIVE-THROUGH FACILITIES AT, AND APPROVING AN ASSOCIATED SITE DEVELOPMENT PLAN AND BOUNDARY ADJUSTMENT PLAT FOR,

THE PROPERTIES KNOWN AND NUMBERED AS 15978 MANCHESTER ROAD AND 15970 MANCHESTER ROAD (PARTIAL), WITHIN THE "C-3" COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLSIVILLE, MISSOURI. Council Member Reel moved for final passage of Bill #3707, seconded by Mayor Roemerman. The votes on the second reading of Bill #3707 were: Pool "AYE", Duffy "AYE", Roemerman "AYE", McGrath "AYE", Reel "AYE", and Cahill "AYE". Bill #3707 becomes ORDINANCE #3477.

Resolution #04-21-2021, Lights Out Heartland Campaign

Council Member Duffy introduced Res.#04-21-2021, A RESOLUTION SUPPORTING THE ST. LOUIS AUDUBON SOCIETY AND THE MISSOURI CHAPTER OF THE INTERNATIONAL DARK-SKY ASSOCIATION'S LIGHTS OUT HEARTLAND CAMPAIGN. Council Member Duffy moved for consideration and perfection of Res.#04-21-2021, seconded by Council Member Reel. The votes were: Pool "AYE", Duffy "AYE", Roemerman "AYE", McGrath "AYE", Reel "AYE", and Cahill "AYE". The resolution was approved.

PUBLIC COMMENTS

There were no public comments.

MAYOR/COUNCIL BUSINESS/REPORTS

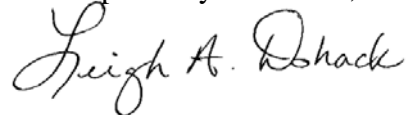
There were no reports.

ACTIVE COMMITTEE STATUS/UDPATES

Council Member Reel noted that Dog Park Open House will be held May 1, 2021.

Mayor Roemerman adjourned the meeting at 8:22 p.m.

Respectfully submitted,



LEIGH A. DOHACK
City Clerk