

**CITY OF ELLISVILLE
COUNCIL MEETING**

MAY 19, 2021

Due to the Saint Louis County Executive Order gathering limitations the May 19, 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 7:13 p.m. In attendance were Council Members Cahill, Reel, Duffy, and Boggs and Council Member Elect Compton. Council Member McGrath was excused.

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

APPROVAL OF MINUTES

Mayor Roemerman moved to approve the minutes from the May 5, 2021 Regular Council Meeting. The motion was seconded by Council Member Duffy. The votes on the minutes were: Cahill "AYE", Reel "AYE", Duffy "AYE", Boggs "AYE" and Roemerman "AYE".

PUBLIC COMMENTS I

Marilyn Niebling, 531 Triton Way, spoke in support of the reconsideration of the conditional use permit denial appeal of the Higher Ground Education and detailed her reasoning for supporting the business.

Nancy Bengtson, 1374 Parkview Estates Drive, thanked whoever had the CVS remove the flutter signs from the corner at Manchester and Kiefer Creek Rd, as it

Jan Boehm, 1173 Field Avenue, commented that she is in favor of the Ries Orthodontics proposed building on Clarkson Road, but did not support the curb cut onto Field Avenue due to the additional traffic issues it would cause to residents of the neighborhood.

Phil Morgan, resident who lives on Field Avenue. tried to make comments but had some technical difficulties, he indicated from the video that he supported Ms. Boehm's comments.

INSTALLATION OF NEWLY ELECTED OFFICIALS

Mayor Roemerman announced that Rob Compton was appointed at the May 5th Council Meeting to fill the vacant District 1 seat until the next General Election in April of 2022. City Clerk Dohack administered the Oath of Office to Council Member Rob Compton.

RECIPT/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 May 13, 2021 relative to the petition of Reis Orthodontics for a change in zoning of the property known as 309 Clarkson Road from the "R-1" Single-Family Residential Zoning District to the "C-5" Planned Commercial Zoning District, of the City of Ellisville, Missouri.
- B. Receipt and filing of Planning and Zoning Commission's positive recommendation dated May 13, 2021 relative to the petition of Caliber Collision for issuance of a conditional use permit to allow an automobile repair and service establishment at the locations known and numbered as 15434-15436 Manchester Road, within the "C-3" Commercial Zoning District of the City of Ellisville, Missouri.

The motion was seconded by Council Member Cahill. The votes were: Compton "AYE", Cahill "AYE", Reel "AYE", Duffy "AYE", Boggs "AYE", and Roerman "AYE".

PUBLIC HEARINGS

309 Clarkson Road (Ries Orthodontics), rezoning to C-5 Planned Commercial Zoning District

Mayor Roerman opened the public hearing pertaining the petition of Ries Orthodontics for a change in zoning the property known as 309 Clarkson Road from the "R-1" Single-Family Residential Zoning District to the "C-5" Planned Commercial Zoning District, of the City of Ellisville, Missouri. City Attorney Restovich entered the following exhibit for purposes of this hearing: Exhibit 1-14, entered a public hearing before the Planning and Zoning Commission on May 12, 2021; Exhibit 15, Planning and Zoning Commission Report and Favorable Recommendation dated May 13, 2021; Exhibit 16, City Planner's Memo dated May 13, 2021; Exhibit 17, E-mail from MoDOT to Brandon Harp dated May 14, 2021; Exhibit 18, Letter from Brandon Harp to City Council dated May 14, 2021; and Exhibit 19, Letter from Charles Ries to City Planner dated May 17, 2021.

Dr. Charles Ries, Jeff Kaiser, Brandon Harp and Terry Burns representing the petitioner and City Planner Hood were all sworn in. Brandon Harp began and outlining the proposal stating that the petition request is to rezone the property and build a new one-story office building on the 0.59 acres lot. Mr. Harp continued to outline the proposed building.

Discussion ensued from the Council Members. Mayor Roerman thanked the petitioner for the presentation and asked about the entrance on Clarkson Road and it allowing full access. Mr. Harp noted that the traffic generated from the office would not as much as a retail development and that the site would not work without the left turn access onto Clarkson. Dr. Ries noted his concern that patients would turn around in the adjacent businesses. Mayor Roerman asked about cross access to the property to the adjacent property. Mr. Harp noted that there is a 6-foot fall from one property to the next and it would not be feasible to make it work. Council Member Cahill noted that he is against the curb cut and access onto Field Avenue and would be in favor of full access onto Clarkson Road. Council Member Duffy asked about the lab/x-ray within the interior of the building and questioned if the parking would be adequate. Council Member Reel questioned the trash enclosure and the types of trash that would be removed from the site. It was noted that a special service would remove medical waste and regular trash will be placed in the enclosure

attached to the building. Council Member Duffy questioned the fencing around the trash enclosure and noted that it needs to be brick enclosure. Council Member Boggs noted that the handicapped parking is too far from the main entrance. It was noted by representatives that the accessible parking was placed near the access ramp.

Public Comments

Laura Harper, 1143 Field Avenue, noted that she is not in favor of the access onto Field Avenue.

Mayor Roemerman polled the participating Ellisville residents and property owners regarding the information as presented: Two (2) residents/property owners were in favor and three (3) residents/property owners were in opposition.

Mayor Roemerman closed the public hearing.

15434-15436 Manchester Road, Caliber Collision, Auto Repair/Service CUP

Mayor Roemerman opened the public hearing pertaining the petition of Caliber Collision for issuance of a conditional use permit to allow an automobile repair and service establishment at the locations known and numbered as 15434-15436 Manchester Road, within the “C-3” Commercial Zoning District of the City of Ellisville, Missouri. 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 30, 2021; Exhibit 5, Public Posting of Hearing Notice on April 27, 2021; Exhibit 6, Letter mailed to abutting residents within 185 feet dated May 3, 2021; Exhibit 7, Applicant’s Cover Sheet; Exhibit 8, Application for Conditional Use Permit with attached plans; Exhibit 9, Application for Site Plan Review with attached plans; Exhibit 10, Letter from Bret Flory to City Planner dated April 13, 2021; Exhibit 11, Letter from Bret Flory to City Planner dated April 26, 2021; Exhibit 12, Letter from Bret Flory to City Council dated April 26, 2021; Exhibit 13, Letter from Derrick Stowers to City Council dated April 26, 2021; Exhibit 14, Intertek Asbestos Survey Report dated March 12, 2021; Exhibit 15, Terraspec Landscape Plan Review dated April 20, 2021; Exhibit 16, Planning and Zoning Commission Report and Favorable Recommendation dated May 13, 2021; and Exhibit 17, City Planner’s Memo dated May 13, 2021.

Bret Flory representing Caliber Collision and City Planner Hood were sworn in. Mr. Flory began by providing some background on the Caliber Collision corporation and that how they now have 13 locations within the St. Louis area.

Council discussion began pertaining to the fencing around the proposed storage area. Mayor Roemerman asked what type of fencing would be utilized. Mr. Flory stated that the area would be surrounded by a 6-foot steel picket fence with screening and also stated that damaged vehicles that are brought in for service will not be left on the parking area near the facility longer than 24 hours, they will be placed in the fenced area or within the facility. Discussion continued pertaining to cross access to the property to the east. Mr. Flory stated that Caliber would be amenable but that cross access and the luminaries would need to be considered by the property owner.

Public Comments

There were no public comments.

Mayor Roemerman polled the participating Ellisville residents and property owners regarding the information as presented: One (1) resident/property owner was in favor and no one opposed. Mayor Roemerman closed the public hearing.

RECONSIDERATION AND APPEAL OF COUNCIL’S DENIAL OF BILL #3702

A petition of Higher Ground Education for reconsideration and appeal of the City Council’s April 7, 2021 decision to not approve Bill #3702 pertaining to a Daycare Facility Conditional User Permit at 15468 Manchester Road.

Attorney Jaime Mansfield with Armstrong Teasdale representing Murphy Real Estate Services and Higher Ground Education introduced herself and Chris Horney with Murphy Real Estate Services and Elan Welsh with Higher Ground Education. Attorney Mansfield also noted that Attorneys Gary Fedder and Matthew Hoffman with Husch Blackwell representing the property owner, Skip Berkmeier were in attendance. Attorney Mansfield then presented that the petitioner seeks reconsideration of the City’s decision to deny the Petitioner’s application for conditional use permit. The appeal is outlined in Attorney Mansfield’s letter dated April 21, 2021 and included to the minutes. Attorney Mansfield commented that all concerns from the Council were addressed and adverse effects to the area were addressed by the petitioner and that the legislation should be reconsidered and approved. Mr. Fedder spoke stating that his client noted that reconsideration of the Bill is critical to the owner and feels that this is a good use for the property. Mr. Fedder noted that Bill’s Appliance will be moving from the property and the building will be vacant.

Mayor Roerman thanked all for the information presented and asked what was the next step. City Attorney Restovich noted that a motion was required to add the items as requested to the record. Mayor Roerman moved to include this presentation, the letter of appeal from dated April 21, 2021 and the additional April 19, 2021 correspondence from Mr. Fedder be included into the record of the petition, seconded by Council Member Reel. The votes on the motion were: Compton “AYE”, Cahill “AYE”. Reel “AYE”, Duffy “AYE”, Boggs “AYE”, and Roerman “AYE”.

LEGISLATION

Bill #3709, 15468 Manchester Road (Higher Ground Education), Daycare Facility CUP – RECONSIDERATION

Mayor Roerman introduced Bill #3709, 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. Mayor Roerman moved for consideration and perfection of Bill #3709, seconded by Council Member Cahill. The votes on the first reading of Bill #3709 were: Compton “NAY”, Cahill “NAY”, Reel “NAY”, Duffy “NAY”, Boggs “NAY”, and Roerman “NAY”. Bill #3709 is not approved.

Ord. #3479, 309 Clarkson Road (Ries Orthodontics), C-5 Planned Commercial Zoning rezoning and Site Development Plan

Council Member Duffy introduced Bill #3710, AN ORDINANCE APPROVING A CHANGE IN ZONING TO THE “C-5” PLANNED COMMERCIAL ZONING DISTRICT AND ASSOCIATED SITE DEVELOPMENT PLAN FOR THE PROPERTY KNOWN AND NUMBERED AS 309 CLARKSON ROAD, WITHIN THE “R-1” SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Duffy moved for consideration and perfection of Bill #3709, seconded by Council Member Cahill.

Discussion took place pertaining to the Clarkson Road entrance, access at Field Avenue, traffic, additional greenspace and cross access to the adjacent commercial property. Council Member Duffy and Cahill also noted the trash enclosure should have a more substantial surround. Council Member Duffy also noted his concern about parking and wanted to designate “No Parking” on Field Avenue.

Mayor Roemeran moved to amend Bill #3710 to add the following conditions:

- 1) Allow full access at the entrance on Clarkson Road;
- 2) No access to Field Avenue; and
- 3) The ADA compliant parking spaces on the parking lot shall be located in front of the building at the north side of the Property.

The motion was seconded by Council Member Cahill. The votes on the first amendment were: Compton “AYE”, Cahill “AYE”, Reel “AYE”, Duffy “AYE”, Boggs “AYE” and Roemeran “AYE”.

Council Member Duffy moved to amend Bill #3710 to require the trash enclosure to match the buildings’ exterior finish. The motion to amend was seconded by Council Member Reel. The votes on the second amendment were: Compton “AYE”, Cahill “AYE”, Reel “AYE”, Duffy “AYE”, Boggs “AYE” and Roemeran “AYE”.

Council Member Duffy made a final motion to amend Bill #3710 to designate “No Parking” on the north and south side of Field from intersection at Manchester Road back to the property line of 309 Clarkson Road. The motion was seconded by Council Member Cahill. The votes on the third amendment were: Compton “AYE”, Cahill “AYE”, Reel “AYE”, Duffy “AYE”, Boggs “AYE” and Roemeran “AYE”.

The votes on the first reading of Bill #3710, as amended, were: Compton “AYE”, Cahill “AYE”, Reel “AYE”, Duffy “NAY”, Boggs “NAY” and Roemeran “AYE”. Council Member Duffy introduced Bill #3710, as amended, for final passage, AN ORDINANCE APPROVING A CHANGE IN ZONING TO THE “C-5” PLANNED COMMERCIAL ZONING DISTRICT AND ASSOCIATED SITE DEVELOPMENT PLAN FOR THE PROPERTY KNOWN AND NUMBERED AS 309 CLARKSON ROAD, WITHIN THE “R-1” SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Duffy moved for final passage of Bill #3710, as amended, seconded by Mayor Roemeran. The votes on the second reading of Bill #3710, as amended, were: Compton “AYE”, Cahill “AYE”, Reel “AYE”, Duffy “NAY”, Boggs “NAY” and Roemeran “AYE”. Bill #3710 becomes ORDINANCE #3479.

Ord. #3480, 15434-15436 Manchester Road (Caliber Collision), Auto Repair/Service CUP

Council Member Reel introduced Bill #3711, AN ORDINANCE AUTHORIZING ISSUANCE OF A CONDITIONAL USE PERMIT TO CALIBER COLLISION TO ALLOW THE OPERATION OF AN AUTOMOBILE REPAIR AND SERVICE ESTABLISHMENT AT THE LOCATIONS KNOWN AND NUMBERED AS 15434-15436 MANCHESTER ROAD, WITHIN THE “C-3” COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Reel moved for consideration and perfection of Bill #3710, seconded by Council Member Duffy. The votes on the first reading of Bill #3711 were: Compton “AYE”, Cahill “AYE”, Reel “AYE”, Duffy “AYE”, Boggs “AYE” and Roemeran “AYE”.

Council Member Reel introduced Bill #3711 for final passage, AN ORDINANCE AUTHORIZING ISSUANCE OF A CONDITIONAL USE PERMIT TO CALIBER COLLISION TO ALLOW THE OPERATION OF AN AUTOMOBILE REPAIR AND SERVICE ESTABLISHMENT AT THE LOCATIONS KNOWN AND NUMBERED AS 15434-15436 MANCHESTER ROAD, WITHIN THE "C-3" COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Reel moved for final passage of Bill #3711, seconded by Mayor Roemerma. The votes on the second reading of Bill #3711 were: Compton "AYE", Cahill "AYE", Reel "AYE", Duffy "AYE", Boggs "AYE" and Roemerma "AYE". Bill #3711 becomes ORDINANCE #3480.

PUBLIC COMMENTS

There were no public comments.

MAYOR/COUNCIL BUSINESS/REPORTS

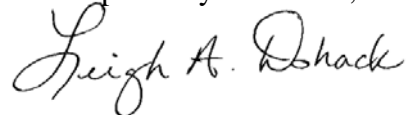
It was noted that there is a need to fill Council Member Compton's unexpired term on the Planning and Zoning Commission. This will be discussed at the next Council meeting, as the nominee will need to attend a Planning and Zoning Commission before appointment.

ACTIVE COMMITTEE STATUS/UDPATES

There were no updates.

Mayor Roemerma adjourned the meeting at 9:11 p.m.

Respectfully submitted,



LEIGH A. DOHACK
City Clerk