



City of Ellisville

PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES

Meeting Date: July 14, 2021

I. **CALL TO ORDER:** Chairman John Ellebrecht called the meeting to order at 7:04 P.M.

II. **ROLL CALL**

<u>ROLL CALL</u>	<u>PRESENT</u>	<u>ABSENT</u>
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 checked="" type="checkbox"/>	<input type="checkbox"/>
John Ellebrecht	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rajiv Gupta	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Al Tamulaitis.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VACANT.....	<input 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, Council Member Vince McGrath, and Mayor Mike Roemerman

III. **APPROVAL OF AGENDA**

A motion was made by Commissioner Niebling 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 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 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"/>
Sandie McGrath	<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"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IV. APPROVAL OF MEETING MINUTES

Commissioner Foster moved to approve Meeting Minutes June 9, 2021, and was seconded by Commissioner Niebling.

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

V. PUBLIC HEARINGS

- A. Petition #21-07-01: The Planning and Zoning Commission will discuss and consider the petitions of Midas Ellisville, LLC for a change in zoning of the property known and numbered as 15970 Manchester Road from the “C-3” Commercial Zoning District to the “C-5” Planned Commercial Zoning District, of the City of Ellisville, Missouri, and for approval of an associated site development plan in order to allow the construction and operation of a mixed-use development consisting of a four-story, 225 unit multi-family dwelling and separate commercial use building.

Chairman Ellebrecht opened the public hearing and swore in Traffic Consultant Chris Beard, City Planner Ada Hood, Planning Intern Samhi Prabhakar, Applicants David Robert – Midas Hospitality, Brad Cytron - Spencer Fane Attorneys, Taylor Williamson – Rosemann Architects, and Steven Randall – Cochran Engineers. Assistant City Attorney Parnell read the exhibits into the record. Planning Intern Prabhakar made a presentation summarizing her memo to the Commission. Traffic Consultant Beard summarized the traffic impact study to the Commission.

The applicant made a brief presentation. He stated that the dog park had been moved to the west side of the apartment building and towards the front. The applicant informed the commission that there would be 117 one-bedroom units there would be 97 two-bedroom units and 12 three-bedroom units. He also indicated that they would be amenable to the requested trail head and some amenities.

Commissioner Bengtson requested more detail regarding the trail head. The applicant indicated the property connects to a trail at the south west corner and would not cut through Parkview Estates subdivision. Commissioner Foster asked for stop signs placed on Lot 1 and the Culvers lots, where they intersect with the shared drive. Commissioner Ellebrecht asked about the retaining wall along the west side of the subject property. The applicant indicated they would address the retaining wall and any existing issues. Commissioner Ellebrecht also asked about light glare from cars parked in the proposed garage. The applicant indicated the garage level will feature a partial wall which would block the car headlights.

Commissioner McGrath asked about the maintenance of the dog park. The applicant indicated Midas would keep it clean and that smell would not be an issue. Commissioner McGrath also commented on the number of units with 1 bedroom and stated that the proposed ratio does not lend for families. She then asked about the rent rates and sizes. The applicant indicated there would be eight different sizes of units ranging from 550 ft.² to 1350 ft.².

Commissioner Foster asked if tenants could sublease. The applicant indicated they could not and that services like Airbnb would also not be allowed. Commissioner Foster asked if there was a play area. The applicant indicated the courtyard would have a play area and plenty of green space. Commissioner Gupta asked about the recommendations made in the Phase 1 Environmental Assessment. City Planner Hood stated that the applicant had already initiated a Phase 2 Environmental Study and had agreed to implement any recommended remediation. Commissioner McGrath asked about Lot 1 and whether it could be sold off in the future. She was concerned that the cross access might be eliminated under such a scenario. The applicant indicated the cross-access easement will run with the land and could not be removed.

Chairman Ellebrecht asked if there were any public comments. None were received. The public hearing was closed.

Commissioner Ellebrecht moved to forward a positive recommendation with the following conditions:

1. That the City Council waives the requirement for the additional plant strip width required (8-9') along the West Property Line; and
2. That the applicant installs (12) Shade Trees, (10) Ornamental Trees, (48) shrubs between West property line and the grass paver fire lane; and
3. That the applicant installs (12) Columnar shade Trees and (10) Ornamental trees in addition to the proposed shrubs be installed along the east property line; and
4. That the applicant secures Architectural Review Board approval (ARB); and
5. That the applicant considers installing a trail head along Manchester Road to guide people through the property to the trail at the south end; and
6. That the applicant considers the installation of pedestrian amenities, such as a bench(es) at the trailhead; and
7. That the applicant prepares and submits a Phase 2 Study and agrees to implement all remediation recommended.

The motion was seconded by Commissioner Tamulaitis.

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
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 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"/>
Sandie McGrath.....	<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"/>
Vacant.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A. Petition #21-07-02: The Planning and Zoning Commission will discuss and

consider the petition of ELS Properties and JAMHAUS, LLC for a change in zoning of the property known and numbered as 16216 Autumn View Terrace Drive from the Planned Residential Zoning District (now an obsolete zoning designation) to the "R-2" Planned Residential Zoning District, of the City of Ellisville, Missouri, and for issuance of a conditional use permit in order to allow the construction and operation of a 96-unit multi-family townhome development.

Chairman Ellebrecht opened the public hearing and swore in Traffic Consultant Chris Beard, City Planner Ada Hood, Applicants Jack Ehlers, Mike Ehlers, Adam Brandvein, and Ed Schmelz. Assistant City Attorney Parnell read the exhibits into the record. City Planner Hood made a presentation summarizing her memo to the Commission. Traffic Consultant Beard summarized the traffic and parking technical memorandum to the Commission.

The applicant made a brief presentation. He added that they would be willing to comply with the City's third-party landscape architect to relocate the proposed shrubs (screening the vehicular use area) up closer to the internal drive. He also stated that they are adding a playground which will be located near the office building. The applicant indicated they would be willing to incorporate Ellisville in the name of the development.

Commissioner Foster asked if the units would include patios. The applicant indicated patios would be included for all the units. He added that fire pits would not be allowed. Commissioner Bengtson asked about the driveways and the sidewalk. The applicant indicated that a sidewalk is proposed in front of all the units. He added that the driveways would accommodate additional parking. He stated that each parking spaces would measure 9'x 20'with wheel stops. He added that the sidewalk would be elevated and there would be a rolled curb. Commissioner Gupta asked if the units would be rented or owned. The applicant indicated the units would be for lease.

Commissioner Foster asked if the proposed street trees would be irrigated and if the pickle ball court would be lit. The applicant indicated that irrigation would be included and that the courts would be lit. However, the hours of illumination for the pickle ball court and playground would be limited. The applicant also added that the playground would be completely fenced in, for safety reasons.

There was a question asked regarding the community gates. The applicant responded that residents would have a FOB to open the gate. He added that mail boxes would be located on the side of the office building, and that the postmaster would not need to access the interior of the gated community. However, he added, FedEx and Amazon type deliveries would have a FOB to enter the gated community and deliver packages to the front door.

Chairman Ellebrecht asked the applicant to finish his presentation before questions.

The applicant added that the office building will also have a gym and that they will do all the maintenance for the entire development. He stated that security cameras would be placed at both gated entrances and the office. The applicant stated that the 2-bedroom units would lease for approximately \$1650 per month, while the 3-bedroom units with lease for approximately \$2200 per month. He added that they have a very strict screening process for potential residents. He elaborated that a minimum credit score of 700 and four times the rent for a deposit is required. The applicant indicated that they are willing to add the buffers along the north and west property line if the city prefers new landscaping over the existing mature buffer. He also added that the subject site is much lower in elevation than the properties to the west. The difference in elevation provides for

very good screening. The applicant added that they will not allow subleasing of any of the units.

Commissioner Gupta commented that traffic on Manchester Road travels very fast and that Autumn View Terrace Drive has a very small and tight entrance, and therefore, it is very dangerous. He was concerned about the addition of the 96 units which would also be using Autumn Depot Terrace Drive further increasing safety concerns. Commissioner Bengtson asked about visitor access. The applicant indicated visitors would park by the office or be buzzed in by the resident and could then park in their driveway. Commissioner Foster asked about bike racks. The applicant indicated bike racks are proposed along the north walking trail and also by the pickle ball court. Commissioner McGrath asked about the trail and its material. The applicant indicated the trail would be made of concrete and that the trail does not completely loop around the basin. Commissioner McGrath then asked if short term leasing would be allowed. The applicant responded no, all leases would be one year minimum. Commissioner Scatizzi asked about guest parking. The applicant indicated they would love to add additional parking spaces, but that the required setbacks in the R-2 Planned Residential Zoning District make it difficult. Commissioner Foster asked why a full traffic study was not conducted. Traffic Consultant Chris Beard indicated the proposed project generates only half the trips necessary to trigger a traffic study. Chairman Ellebrecht asked if there were any public comments. The following public comments were received.

Dino Manhal of 1367 Marsh Avenue stated he was in support of the project. He commented that Ellisville needs luxury rental units. He was impressed with the amount of security proposed.

Robin Stoops of 2264 Crimson View Drive indicated she was not in favor of the project. She indicated she was a contractor administrator and was familiar with reading plans. She commented that her subdivision would get the brunt of the negative impacts associated with the additional traffic. She commented that it was disappointing the study was done in June when local schools were out.

Amanda Arshad of 130 Irene Drive was not present. Her speaker card indicated she was in favor of the project.

Ann Niles of 16312 Autumn View Terrace Drive stated she was concerned with traffic. She stated the proposed one-car garage was not consistent with luxury apartments. She also added that the lack of pool detracted from the development.

Bobby Mills of 13801 Clayton Road stated he was in support of the project. He commented that the traffic study was conducted on the previous apartment project and it was acceptable. He added that Ellisville needs new apartments to allow existing Ellisville residents to age in place. He added that his parents would love this kind of product.

Karen Carrico of 16308 Autumn View Terrace Drive stated she was a real resident. She commented the proposed development impacted her family life due to cut through traffic. She commented that apps like Waze and Google recommend cut-through through her subdivision, and that was a problem.

Greg Sanborn of 445 Bluff Meadow Drive stated he was a resident since 2004 and a former Ellisville Planning and Zoning Commissioner. He indicated he was in support of the project. He commented the development meets the objectives of the comprehensive plan, it brings people into Ellisville and creates community, it increases property tax for the city. He added that the development would result in new residents spending money in Ellisville. He also commented that things are changing, with more people working from home. This product would work well for those types of people and for empty-nesters.

Paul Stafford of 16206 Maple Crossing Court commented that a full traffic study was a good idea. He stated he was a resident of Wildwood that abutted the proposed development. He also commented that he had visited other sites developed by the applicant and that he did not view them to be upscale. He added that he was concerned about the number of units and the increase in traffic.

Lisa Meadows of 2321 Crimson View Court commented that all the previous statements against the proposed project were true. She commented that the design and materials were not in keeping with a high-quality development. She commented that light trespass and traffic from the Ellisville Athletic Association had not been considered. She was opposed to the development.

Etta Roemerman of 16273 Autumn View Terrace commented that there was over 400 rental units within 1500 feet of this proposed development. She commented there was too much rental concentrated in this area. She also added that Ellisville only had three 2-unit villa developments. She stated she preferred the city promote owner-occupied developments. She also stated that there are two proposals for rental units tonight and questioned whether both were really needed.

Susan Meldrum of 1334 Virginia Drive was in support of the proposed project. She indicated she was an empty nester and loved the idea of a gated townhouse community. She indicated her daughter lives down the street in the Aventura apartments, but that type of apartment development is not what she is looking for. She added Ellisville really needs this type of development.

Jamie Bretz of 2329 Crimson View Court (attending virtually on Zoom) expressed concern over traffic and safety. She stated that she witnessed the decline of her subdivision as a child, and does not want to see the same happen to the Autumn View subdivision.

Commissioner Bengtson commented regarding the cut-through traffic and stated that most of this traffic would be parents taking kids to school. She also expressed concern that not enough parking was provided in the development to accommodate families.

Commissioner Foster asked about the buffer along the west property line. More specifically, he wanted to know if the existing mature buffer consisted of evergreens. The applicant indicated that a 6-foot privacy fence could be added along the west for additional screening, if necessary. Commissioner Ellebrecht asked the applicant if they had spoken with the residents abutting on the west to see if they wanted a fence. The applicant indicated they had not.

Commissioner Bengtson asked about the management for the development. The applicant indicated they would manage the property. Commissioner McGrath asked about landscape maintenance. The applicant indicated they would maintain all aspects of the development.

Commissioner Foster made a motion to forward a positive recommendation with all staff conditions plus one additional condition, as follows:

1. That the Police Department and Fire District are provided an access code for the gates; and
2. That 'No Parking' signs are installed on both sides of the private street; and
3. That all outdoor lighting complies with Sections 400.492 and 400.493 of the Zoning Code; and
4. That the City Council waives the requested landscape requirements (north and west buffers); and

5. That the required ‘vehicular use area’ shrubs be placed adjacent to the internal drive, at the top of the slope, instead of the bottom of the slope; and
6. That the applicant incorporates “Ellisville” in the development name; and
7. That the applicant secures ARB approval; and
8. That if a majority of the abutting residents agree to a fence, then the applicant shall install a 6’ privacy fence along the entire western edge of the development. This fence will be in addition to keeping all the existing mature buffer in place.

The motion was seconded by Commissioner Bengtson.

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath.....	<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"/>
Vacant.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VI. PETITION FOR APPROVAL

- A. Petition #21-07-03: Petition of Joshua McKenney/Mack’s Customs LLC, for issuance of a conditional use permit to allow the operation of a detailing, audio & performance exhaust systems installation and maintenance work shop at the property known and numbered as 206 Old State Road, Unit 1, located within the “C-5” Planned Commercial Zoning District.

City Planner Hood made a presentation summarizing her memo to the Commission. Applicant McKenney summarized his operation. Commissioner Niebling expressed concern with noise and traffic, especially for the residential property to the north. Commissioner Niebling also commented that she did not believe the use to be consistent with the original approval. Mr. Button explained that he believed the use was consistent because it was a service-oriented business. Chairman Ellebrecht commented that the City’s current noise regulations would apply. Commissioner Foster asked about air tools. Commissioner McGrath asked for more information regarding the detailing work. The applicant stated that he would also be servicing automobiles, and that these services would include detailing and window tinting. Assistant Attorney Parnell indicated that any service on automobiles was an issue and could not be approved.

Chairman Ellebrecht made a motion to forward a positive recommendation with the following condition:

1. That no on-site service work for automobiles is allowed.

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 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
 John Ellebrecht
 Rajiv Gupta
 Sandie McGrath
 Al Tamulaitis.....
 Vacant

B. Petition #21-07-04: Petition of 3145 Park Avenue, LLC for issuance of a conditional use permit to allow the operation of an online sales, shipping and distribution business at the property known and numbered as 206 Old State Road, Unit 2, located within the “C-5” Planned Commercial Zoning District.

City Planner Hood summarized the petition request. Commissioner McGrath indicated that she had viewed the applicant’s website and praised her glass artwork. Commissioner Bengtson agreed.

The applicant stated she is a glass artist and that all her products were sold on-line and shipped to Europe.

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

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
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 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"/>
Sandie McGrath.....	<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"/>
Vacant.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VII. ADJOURNMENT

Chairman Ellebrecht adjourned the meeting at 9:59 PM.