

**CITY OF ELLISVILLE
COUNCIL MEETING**

JULY 21, 2021

Due to the Saint Louis County Executive Order gathering limitations the July 21, 2021 Regular Council meeting was held via live videoconference and in-person. A link was provided on the City's website for all that wanted to participate in the videoconference.

Council Member Duffy served as Mayor Pro Tem and opened this Regular Meeting at 7:00 p.m. In attendance were Council Members McGrath, Compton, Cahill, Reel, Duffy, and Boggs. Mayor Roemerman was excused.

Also present in person and via videoconference were: City Manager Schwer, City Attorney Restovich, Asst. City Attorney Parnell City Planner Hood, Chief Steve Lewis, and City Clerk Dohack.

All those in attendance via videoconference recited the Pledge of Allegiance led by City Manager Schwer.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Council Member Duffy moved to approve the minutes from the June 16, 2021 Regular Council Meeting. The motion was seconded by Council Member Compton. The votes on the approval were all "AYES".

PUBLIC COMMENTS I

Nancy Bengtson, 1374 Parkview Estates Drive, spoke as a trustee for the Parkview Estates Subdivision and noted concerns, that in the past, there has been water runoff and trash causing issues on the subdivision's common ground. Ms. Bengtson is hoping the proposed Midas development will work to improve these issues.

CHIEF COMMENDATIONS

Chief Lewis presented a Commendation to the Ellisville K-9 Officer Josiah Peacock and K-9 Dark. Chief Lewis read from the commendation outlining the reason for the recognition. Officer Peacock and Dark were on their home from the precinct and heard a call about a stolen car and the need for assistance. Officer Peacock and Dark assisted in the search for the suspects and found a satchel with drugs and a hand gun. Chief Lewis noted that Officer Peacock's professionalism and willingness to get involved assisted in the apprehension of four (4) felons and seizure of both drugs and weapons. Officer Peacock was in attendance and accepted the commendation. The Council and audience thanked them for their service to the community with a round of applause. Chief Lewis commented his appreciation for the support from the Council.

RECIPT/FILING PLANNING AND ZONING RECOMMENDATIONS/REPORTS

Council Member Duffy 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 July 15, 2021 relative to 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.
- B. Receipt and filing of Planning and Zoning Commission’s positive recommendation dated July 15, 2021 relative to 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.
- C. Receipt and filing of Planning and Zoning Commission’s positive recommendation dated July 15, 2021 relative to the 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.

The motion was seconded by Council Member Cahill. The votes were: The votes were: Duffy “AYE”, Boggs “AYE”, McGrath “AYE”, Compton “AYE”, Cahill “AYE”, and Reel “AYE”.

PUBLIC HEARING

15970 Manchester Road (Midas Ellisville, LLC), Rezone to C-5 and associated approvals for Apartment Complex and Separate Commercial Building

Council Member Duffy opened the public hearing regarding the petitions of Midas Ellisville, LLC for approval of a subdivision plat (creating Lot 1 and Lot 2), a change of zoning of the property known and numbered as 15970 Manchester Road (Lot 2) 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 (Lot 2) and separate commercial use building (Lot 1). Asst. City Attorney Parnell entered the following exhibits for purposes of this hearing: Exhibit 1-18, entered at public hearing before the Planning and Zoning Commission on July 7, 2021; Exhibit 19, Planning and Zoning Commission favorable recommendation dated July 15, 2021; and Exhibit 20, City Planner’s Memo dated July 15, 2021.

Midas CEO David Robert, Attorney Brad Cytron, Eric Kirchner, Taylor ???, Traffic Engineer Julie Nolfo, and City Planner Hood were sworn in.

Mr. Robert began the presentation by providing an overview of the proposed project which is a \$50,000,000 upscale development with apartments geared toward professionals and retired

individuals with a certain median income.

Council Member Cahill asked about landscaping for the drive area and around the building. Mr. Robert explained that landscaping would be provided. Council Member Cahill also questioned the grade from the front to the back of the property and about the proposed trash enclosure. Mr. Robert noted that grade would slope about five feet on the property, the height of the building would be 60 feet and rolling carts would collect trash from chutes on each floor and complex would employ staff members that would empty the trash for pickup. Council Member Reel and McGrath commented on the retention basin and the trash removal concerns. Discussion continued on the proposed height of the building. As noted by Attorney Cytron, there was a need for clarification about the HVAC units on the roof of the facility. The proposed building is 60 feet in height and the room-mounted HVAC units would be approximately an additional three feet with a fence surround that would be approximately five feet to shield the units from view. Council Member Duffy commented on the large investment in the development for the City, asked about native Missouri plantings for the retention basin. Discussion ensued about drive/walkway to the connecting City trail and the clarification of the height of the building and it was noted that an amendment to the legislation presented this evening for Council consideration would need to be addressed.

Public Comments

Michael Bene, 1034 Lemar, asked about the building with the garage earthquake.

Terry Kerm, 1347 Parkview Estates, noted that he is optimistic about the project and hopes that there will be some green space between the back of the building and the fence, not just a concrete lot.

Council Member Duffy polled the Ellisville residents and property owners participating remotely regarding proposed text amendments as presented: Two (2) residents were in favor and no one was in opposition.

Council Member Duffy closed the public hearing.

16216 Autumn View Terrace Drive (ELS Properties/JAMHAUS, LLC), Rezone to "R-2" and 96-unit Multi-Family Townhome Development

The Council 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. *At the request of the petitioners, this public hearing is continued to the August 18, 2021 Council Meeting for consideration.*

206 Old State Road, Unit 1 (Mack's Customs LLC), Conditional Use Permit for detailing, audio & performance exhaust installation and maintenance work shop

The Council will discuss and consider the 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. *This petition has been withdrawn at the request of the petitioner.*

206 Old State Road, Unit 2 (3145 Park Avenue, LLC), Conditional Use Permit for online sales, shipping and distribution business

Council Member Duffy opened the public hearing regarding the 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. Asst. City Attorney Parnell entered the following exhibit for purposes of this hearing: Exhibit 1, Certified Copy of the Municipal Code; Exhibit 2, Zoning District Map; Exhibit 3, Comprehensive Plan; Exhibit 4, Notice published in *The Countian* on July 6, 2021; Exhibit 5, Public Posting of Notice on July 12, 2021; Exhibit 6, Letter mailed to the abutting property owners within 185 feet on July 6, 2021; Exhibit 7, Application Cover Sheet received June 30, 2021; Exhibit 8, Application for Conditional Use Permit dated June 30, with attached plans; Exhibit 9, Letter from Stephanie Brown to City Council dated June 30, 2021; Exhibit 10, City Ordinance No. 3371; Exhibit 11, City Ordinance No. 3462; Exhibit 12, Planning and Zoning Commission Report and Favorable Recommendation dated July 15, 2021; and Exhibit 13, City Planner’s Memo dated July 15, 2021.

Stephanie Brown, owner of 3145 Park Avenue, and Dan Button, property owner, were sworn in. Ms. Brown provided information about her business, which produces and sells glass medium products for art projects and shared with the Council and those in attendance her website. Council Member asked if there was only one employee and Ms. Brown confirmed that she would be the only employee. Council Member Reel noted her support for this artist’s business.

There were no public comments.

Council Member Duffy 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.

Council Member Duffy closed the public hearing.

LEGISLATION

Ord. #3482, 15970 Manchester Road (Midas Ellisville, LLC), Rezoning to C-5 and Associated Plats for Apartment Complex and Separate Commercial Building

Council Member Cahill introduced Bill #3713, AN ORDINANCE APPROVING A CHANGE IN ZONING TO THE “C-5” PLANNED COMMERCIAL ZONING DISTRICT, ASSOCIATED SITE DEVELOPMENT PLAN, AND SUBDIVISION PLAT FOR THE PROPERTY KNOWN AND NUMBERED AS 15970 MANCHESTER ROAD, WITHIN THE “C-3” COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Cahill moved for consideration and perfection of Bill #3713, seconded by Council Member Duffy.

Discussion ensued pertaining to the height of the building and the number of apartment units within the complex. It was clarified that there be no more than 230 proposed units.

Council Member Duffy moved to add the following conditions: 1) the number of residential units will not exceed 230 units; 2) the perimeter building height be not more than 60 feet, with no more

than a six-foot (6') addition, setback 20 feet from the edge of the building; 3) that the Rear Landscape Buffer be 25 feet; and 4) that there will be no requirement for an additional plant strip along the east line of the property, under General Development Conditions. The motion was seconded by Council Member Cahill. The votes on the amendment were: Duffy "AYE", Boggs "AYE", McGrath "AYE", Compton "AYE", Cahill "AYE", and Reel "AYE".

The votes on the first reading of Bill #3713, as amended, were: Duffy "AYE", Boggs "AYE", McGrath "AYE", Compton "AYE", Cahill "AYE", and Reel "AYE". Council Member Cahill introduced Bill #3713, as amended, for final passage, AN ORDINANCE APPROVING A CHANGE IN ZONING TO THE "C-5" PLANNED COMMERCIAL ZONING DISTRICT, ASSOCIATED SITE DEVELOPMENT PLAN, AND SUBDIVISION PLAT FOR THE PROPERTY KNOWN AND NUMBERED AS 15970 MANCHESTER ROAD, WITHIN THE "C-3" COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Cahill moved for final passage of Bill #3713, as amended, seconded by Council Member Reel. The votes on the second reading of Bill #3713, as amended, were: Duffy "AYE", Boggs "AYE", McGrath "AYE", Compton "AYE", Cahill "AYE", and Reel "AYE". Bill #3713 becomes ORDINANCE #3482.

Ord. #3483, 206 Old State Road, Unit 2 (3145 Park Avenue LLC), Conditional Use Permit for Online Sales, Shipping and Distribution Business

Council Member Reel introduced Bill #3715, AN ORDINANCE APPROVING THE 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 OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Reel moved for consideration and perfection of Bill #3715, seconded by Council Member Duffy. The votes on the first reading of Bill #3715 were: Duffy "AYE", Boggs "AYE", McGrath "AYE", Compton "AYE", Cahill "AYE", and Reel "AYE". Council Member Reel introduced Bill #3715 for final passage, AN ORDINANCE APPROVING THE 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 OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Reel moved for final passage of Bill #3715, seconded by Council Member Duffy. The votes on the second reading of Bill #3715 were: Duffy "AYE", Boggs "AYE", McGrath "AYE", Compton "AYE", Cahill "AYE", and Reel "AYE". Bill #3715 becomes ORDINANCE #3483.

Resolution #07-21-2021, St. Louis County Municipal Parks Grant Application

Council Member Duffy introduced Res.#07-21-2021, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT APPLICATION ON BEHALF OF THE CITY OF ELLISVILLE WITH THE ST. LOUIS COUNTY MUNICIPAL PARKS GREANT COMMISSION. Council Member Duffy moved for consideration and perfection of Res.#07-21-2021, seconded by Council Member Reel.

Council Member Duffy commented that the neighborhood parks should be considered before utilizing these funds for projects within Bluebird Park. This grant application has been designated for the amphitheater project.

The votes were: Duffy “AYE”, Boggs “AYE”, McGrath “AYE”, Compton “AYE”, Cahill “AYE”, and Reel “AYE”. The resolution was approved.

PUBLIC COMMENTS

There were no public comments.

MAYOR/COUNCIL BUSINESS/REPORTS

Parks & Recreation Month Proclamation

Council Member Duffy read a proclamation declaring the month of July, 2021 as Parks and Recreation Month within the City of Ellisville noting all the benefits derived from Parks and Recreation programs.

Appointment to Planning and Zoning Commission

Council Member Duffy moved to appoint Greg Sanborn to the Planning and Zoning Commission to fill the unexpired term. The motion was seconded by Council Member Reel. The votes on the appointment were: Duffy “AYE”, Boggs “AYE”, McGrath “AYE”, Compton “AYE”, Cahill “AYE”, and Reel “AYE”.

Meeting Format Discussion

Council Member Reel asked the Council for consideration to go back to Zoom meetings or limit the amount of people within Chamber for upcoming meetings due to the pandemic concerns.

Discussion ensued. Council Member McGrath stated that if the Council continues with in-person meetings that a mask mandate be initiated or would be fine with the Zoom option.

Council Member McGrath moved that a mask mandate be initiated for in-person Council meetings, until the pandemic variants are under control. Council Member Duffy seconded the motion.

Chief Lewis, as Emergency Management Director, cautioned the Council to go outside of the St. Louis County advisements on pandemic mandates. He also noted concerns on enforcement of the mask mandates for people coming to the meetings and the perception of not allowing people to participate in a public meeting. Asst. City Attorney Parnell also commented that this consideration would need a specific time limit. Council Member McGrath withdrew his previous motion.

Council Member McGrath moved to have all Boards/Commissions/Councils meetings to return to Zoom (videoconference only), seconded by Council Member Duffy.

Council Member Boggs asked for clarification on the time frame for the Zoom meetings and making the suggestion of three months, through October 2021. Council Member Compton would like to direct staff to investigate a better option for hybrid meeting after the October 31, 2021 date. Council Member Duffy and Compton will work with staff on this option. There was additional discussion about the hybrid meeting and the amount of people would be allowed within the Chamber.

Council Member Boggs moved to amend the previous motion to include the three-month time frame for the Zoom (videoconference only) meetings. The motion was seconded by Council Member Duffy. The votes on the amendment to include the time frame were: Duffy “AYE”, Boggs “AYE”, McGrath “AYE”, Compton “AYE”, Cahill “AYE”, and Reel “AYE”.

The votes on the original motion to return to Zoom only meetings for all Boards/Commissions/Council meetings, as amended with the three-month time frame due to the pandemic were: Duffy "AYE", Boggs "AYE", McGrath "AYE", Compton "AYE", Cahill "NAY", and Reel "AYE".

ACTIVE COMMITTEE STATUS/UDPATES

There were no updates.

Council Member Duffy adjourned the meeting at 8:35 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Leigh A. Dohack". The signature is written in a cursive, flowing style.

LEIGH A. DOHACK
City Clerk