

**MEETING MINUTES**

**Planning and Zoning Commission Meeting  
Meeting Date: August 10, 2022**

Chairman Lee Foster called the meeting to order at 7:00 PM

<b><u>ROLL CALL</u></b>	<b><u>PRESENT</u></b>	<b><u>ABSENT</u></b>
Lee Foster.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Nancy Bengtson.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marilyn Niebling.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kameron Lawson.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Scatizzi.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mindy Kelley.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Becker.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Al Tamulaitis.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Also present were City Planner Ada Hood, Planning Consultant Tyler Waldorf and City Attorney Brian Malone.

**APPROVAL OF AGENDA**

Commissioner Bengtson moved to approve the Agenda, as written, and was seconded by Commissioner Kelley.

<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>
Lee Foster.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nancy Bengtson.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marilyn Niebling.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mindy Kelley.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kameron Lawson.....	<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"/>
Mike Becker.....	<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"/>

**RESOLUTION :**

Secretary Tamulaitis read the Resolution honoring Rajiv Gupta for his service as a Planning and Zoning Member. Chairman Lee Foster presented the resolution to Rajiv Gupta.

**PETITIONS FOR RECOMMENDATION**

- A. Petition #22-08-01: Petition of S.J. Hollander Architect on behalf of Dave Taylor Ellisville Chrysler, for approval of a lot consolidation plat and an amendment to an existing conditional use permit for motor vehicle sales at the location known and numbered as 15502 Manchester Road within the "C-3" Commercial Zoning District of the City of Ellisville, to expand motor vehicle sales to adjacent parcels at the location known and numbered as

15494 Manchester Road and 15484 Manchester Road within the “C-3” Commercial Zoning District.

Applicant Steve Hollander presented the proposed petition which included expanding the existing CUP and a Lot Consolidation Plat.

Commissioner Tamulaitis expressed concern regarding the lack of cross access between the existing lot and the two new lots being added. Commissioner Scatizzi asked which curb cut was going to be removed. Commissioner Niebling asked what was going to be parked on the two new lots. The applicant responded that display cars would be parked along Manchester Road, while inventory would be parked in the remainder of the two new lots. Commissioner Niebling expressed concern that drivers might turn into the new consolidated lot and then be unable to access the main lot from there, which would then require them to go back onto Manchester Road and head west to the next available curb cut. That necessity presents considerable safety issues. The suggestions that the applicant might consider installing a gate, if the entry is intended for staff usage, or signage at the eastern drive entryway were dismissed as being unnecessary as he did not anticipate customers entering there. The applicant explained that all signage would be with the main dealership building on the existing lot and that he did anticipate customers entering the two new lots.

Chairman Foster asked about the parapet roof and location of the HVAC. The applicant indicated that the HVAC would be located on the roof and set back far enough to be fully screened by the parapet roof.

Commissioner Niebling inquired about a landscape buffer along the rear. The applicant indicated that they will be installing a 10’ of green space along the rear property line. He also stated that they would keep the existing wood and chain link fences along the rear property lines of 15484 and 15494 Manchester Road. He added that there were no tree plantings proposed.

Chairman Foster asked if the service areas would change. He also asked about the required bike racks. Commissioner Niebling moved to forward a positive recommendation. It was seconded by Commissioner Bengtson.

<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>
Lee Foster.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nancy Bengtson.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marilyn Niebling.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mindy Kelley.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kameron Lawson.....	<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"/>
Mike Becker.....	<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"/>

- B. Petition #22-08-02: Request of Abdullah Abraham, for approval of a conditional use permit for Kallony LLC, d/b/a Royal Juice, to allow for a convenience store with liquor sales, at the location known and numbered as 51 Clarkson Road, within the “C-3” Commercial Zoning District.

Applicant Abdul Abraham summarized his request to the Commission. Commissioner Niebling and Kelley expressed concerns that complete documents were not submitted. The Commission expressed concern regarding the amount of Retail Tobacco (vape, cigarettes, hookah and all associated paraphernalia) inventoried and sold on the premise to be in excess of the maximum 15% allowed. Commissioner Niebling stated that the documents submitted by the applicant clearly showed the amount of Retail

Tobacco (vape, cigarettes, hookah and all associated paraphernalia) inventoried and sold on the premise to be 25%, well in excess of what is allowed, as an accessory use. Retail Tobacco stores, as a primary use, are not allowed at the subject location due to the close proximity to residential uses. A use is deemed a Retail Tobacco store when vape, cigarettes, hookah and all associated paraphernalia inventoried and sold on the premise is in excess of 15%.

The Commission also had concerns regarding the proliferation of liquor and tobacco sales clustered in such close proximity to one another (QT, BP, Tidal Wave).

Commissioner Bengtson asked what the applicant’s store would offer that other nearby store don’t. The applicant stated he would offer good prices. Commissioner Kelley indicated that a floor plan was needed in order to make a determination for this location to support tobacco sales. The applicant responded that he will primarily sell alcohol. Chairman Foster inquired what benefit the store will have to the city.

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

- 1) comply with 15% or less for tobacco related items
- 2) submit all paperwork (pgs 2-4), subject to review and approval by staff

The motion was seconded by Commissioner Becker.

<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>
Lee Foster.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nancy Bengtson.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marilyn Niebling.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mindy Kelley.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kameron Lawson.....	<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"/>
Mike Becker.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Al Tamulaitis.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- C. Petition #22-08-03: Petition of RCG Ellisville, LLC, for approval of a conditional use permit for Ollie’s, to allow building height in excess of thirty feet (30’) at the location known and numbered as 15434 Manchester Road within the “C-3” Commercial Zoning District.

The Ollie’s representatives were not present. City Planner Hood explained that the CUP request was associated with height in excess of 30’ and not in associated with the Retail use, which is permitted by right. She added that the previous Shop N Save store had secured a similar CUP for height in excess of 30’, but since Shop N Save had vacated more than a year ago, the approval could not transfer. City Planner Hood recommended the Commission move forward with consideration of the request.

Chairman Foster asked if the City has historically approved requests for height in excess of 30’. Planner Hood responded yes.

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

<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>
Lee Foster.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Nancy Bengtson.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marilyn Niebling.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mindy Kelley.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kameron Lawson.....	<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"/>
Mike Becker.....	<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"/>

**PETITIONS FOR APPROVAL**

A. Petition 22-07-01: The Planning and Zoning Commission will consider and discuss the City initiated petition to adopt by the 2022 Elevate Ellisville Comprehensive Plan. (Link to Comprehensive Plan with edits, <https://we.tl/t-DJobe2QjOC>).

The Commission discussed the comments previously provided.

- Comments pertaining to A.1.2. D. and B. 4. 2. D. the Commission decided not to make the changes.
- Comment D. 2. 1. D. was withdrawn by Chairman Foster.
- Added language to B. 4. 2. D. “Ensure resources are available to address substance abuse, addiction, and create positive mental health for Ellisville residents and the business community. Continue to inform residents and the business community on how to access the resources” did not have the necessary votes to be implemented.
- Add language under Natural Disasters, Page 76 was withdrawn.

Commissioner Bengtson moved to approve the Comprehensive Plan. It was seconded by Commissioner Lawson.

<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>
Lee Foster.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nancy Bengtson.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marilyn Niebling.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mindy Kelley.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kameron Lawson.....	<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"/>
Mike Becker.....	<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"/>

**ADJOURNMENT**

Chairman Foster adjourned the meeting at 8:35 p.m.