

**CITY OF ELLISVILLE
COUNCIL MEETING**

AUGUST 18, 2021

Due to the Covid pandemic concerns the August 18, 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 served opened this Regular Meeting at 7:00 p.m. In attendance were Council Members McGrath, Compton, Cahill, Reel, Duffy, and Boggs.

Also present in person and via videoconference were: City Manager Schwer, City Attorney Restovich, City Planner Hood, Chief Steve Lewis, 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 Reel. The votes on the approval were all "AYES".

APPROVAL OF MINUTES

Mayor Roerman moved to approve the minutes from the July 18, 2021 Regular Council Meeting. The motion was seconded by Council Member Duffy. The votes were: Roerman "ABSTAIN", McGrath "AYE", Compton "AYE", Cahill "AYE", Reel "AYE", Duffy "AYE", and Boggs "AYE".

PUBLIC COMMENTS I

Lisa Meadows, Crimson View Court, stated her opposition to the proposed development on Autumn View Terrace Drive and provided pictures from the developer's other properties. Ms. Meadows feels that the pictures show that the other properties are not maintained.

Joel Ficker, 124 Irene Drive, spoke in support of the proposed development and that it would benefit the City. Mr. Ficker also stated that the townhomes could bring in younger families to the area.

Anthony Bretz, 2329 Crimson View Court, noted concern about the addition of another rental development and stated that homeowners would be more beneficial to the area. Mr. Bretz also commented about the concerns of blasting as part of the development, the additional traffic, and the proposed fencing.

Jamie Bretz, 2329 Crimson View Court, expressed her concerns with safety, additional traffic in the area, and the wildlife that would be displaced due to the proposed development. Mrs. Bretz also stated that a small development with home owners would be a better fit for the site.

James Garza, Fullerton Meadows Drive – Wildwood, noted his concerns with the development being 35-45’ from his front porch and proposed fencing within the buffer. Mr. Garza noted that there are quite a few apartment complexes in the area with safety concerns.

Etta Roerman, 16273 Autumn View Terrace Drive, stated that the Council consideration the concerns and represent the citizens. Mrs. Roerman noted that area residents would want an owner-occupied development, as it would be in the best interest of the City.

Ken Aston, 747 Middle Polo Downs – Clayton, representing the property owner of 16216 Autumn View Terrace, commented about the previous proposal for this site which was not approved. Mr. Aston noted that the new developer has addresses some of the concerns from that development. He also noted that the Planning and Zoning Commission gave a positive recommendation.

Deno Manhaul, 1360 Marsh, spoke in favor of the proposed development.

PETITIONS

Gambrill Gardens Fall Festival

Request of Devon Sullivan with Gambrill Gardens, 1 Strecker Road, to seek approval to host a Fall Festival community event on Saturday, October 2, 2021 on the property, including a live band on the North Patio and food trucks.

Devon Sullivan was present to answer questions and commented that the facility has been remodeled and would like to host the event for the community. Mayor Roerman moved to approve the request, seconded by Council Member Duffy.

Council Member Duffy asked City Manager Schwer if the event could be publicized on the City’s website. City Manager Schwer stated that it would be possible if the Council is amenable to the request. Council Member Duffy moved to amend the request to include posting of the event to the City’s website, seconded by Council Member Reel. The votes on the amendment were all “AYES”.

The vote on the request, as amended were: Roerman “AYE”, McGrath “AYE”, Compton “AYE”, Cahill “AYE”, Reel “AYE”, Duffy “AYE”, and Boggs “AYE”.

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 August 12, 2021 relative to the petition of Sarah Ketterer-Unnerstall d/b/a Body Centered Therapy for issuance of a conditional use permit to allow the operation of massage therapy services establishment at the property known and numbered as 16024 Manchester Road, Unit 245 located within the “C-3” Commercial Zoning District.

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

PUBLIC HEARING

16216 Autumn View Terrace Drive (ELS Properties and JAMHAUS, LLC), rezoning to R-2 and conditional use permit for 96-unit multi-family townhome development

Mayor Roerman opened the public hearing regarding 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 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. City Attorney Restovich entered the following exhibits for purposes of this hearing: Exhibit 1-16, entered at public hearing before the Planning and Zoning Commission on July 15, 2021; Exhibit 17, Planning and Zoning Commission favorable recommendation dated July 15, 2021; Exhibit 18, City Planner’s Memo dated July 15, 2021; Exhibit 19, Notice published in *The Countian* on August 4, 2021; and Exhibit 20, Rezoning Opposition Petition received on August 18, 2021.

Cameron Lueken, Ed Schmelz, Jack Ehlers, Mike Ehlers representing the development group, Traffic Engineer Julie Nolfo, City Manager Schwer, City Planner Hood and representing the property owner, Ken Aston where all sworn in. Mr. Lueken began with a presentation sharing information about the proposed development, noting that based on recommendations, the name will be the “Enclave at Ellisville”. Mr. Lueken stated that this type of development is a good transition from the residential area to the commercial area along Manchester and stated that amenities of the complex will include a trail, dog park and pickleball court. He noted that the density is 50% of the maximum allowed by City regulations and that the existing basin will be upgraded as necessary to meet Metropolitan Sewer District (MSD) requirements. Mr. Lueken also discussed the tree line and fence options between the existing subdivision adjacent to the proposed townhomes and noted that Missouri Department of Transportation has been contacted about the right turn lane on Manchester Road to Autumn View Terrace Drive. There will be an agreement for the developer to restripe the lane, as it was not striped when a previous asphalt overlay was done.

Council Members then asked their questions. Mayor Roerman asked about the retention basin and the developer commented that the existing basin will be utilized. Mayor Roerman also suggested the buffer with the adjacent residential subdivision utilize a hybrid mix of the existing tree line and a fence. The developer was amenable to this suggestion. Mayor Roerman noted that no elevation plans were provided for Council review. Mr. Lueken stated that the property up slopes and that the residents on the west side will see rooftops. Council Member Duffy asked if tax abatement, overflow parking on Autumn View Terrace Drive, and subsidized rents would be necessary and the developer confirmed there was no need for any of these requests. Council Member Duffy asked the City’s Traffic Engineer Julie Nolfo about traffic issues and she stated that his development did not trigger a traffic study. Ms. Nolfo stated that Autumn View Terrace Drive is 36-feet and could accommodate this development. Discussion continued about the investment in the City. Council Member Cahill commented that the City’s has code regulations and that properties within the City be maintained, after hearing the concerns about other properties owned by the developers. There were also questions about the rent for the proposed development, which will be between \$1,650 (without garage) and \$2,650-2,800 (with garage), about the builder – which is a company out of Washington, Missouri utilizing union labor, and the trash service for the development. There was continued discussion about the 50-foot buffer.

Public Comments

Marilyn Niebling, 531 Triton Way, spoke in favor of the development and noted that this is a good option for a difficult property to develop. Also, commenting that the traffic concerns have been addressed.

Diane Holbreck, Crimson View Drive, expressed her concern with the development.

Rick Erhtmert, 16202 Maple Crossing Court – Wildwood, noted his concerns about the trail around the retention basin being so close to his home and stated he would not want people from the trail trespassing onto his property.

Lisa Meadow, 2321 Crimson View Court, stated that as a neighborhood near the development that the residents deserve better and commented about the concern for parking and safety.

Mayor Roemerman polled the Ellisville residents and property owners participating remotely about the proposed development: Four (4) residents were in favor and seven (7) opposed.

Mayor Roemerman closed the public hearing.

16024 Manchester Road, Suite 245 (Body Centered Therapy), message therapy CUP

Mayor Roemerman opened the public hearing regarding the petition of Sarah Ketterer-Unnerstall d/b/a Body Centered Therapy for issuance of a conditional use permit to allow the operation of massage therapy services establishment at the property known and numbered as 16024 Manchester Road, Suite 245 located within the “C-3” Commercial Zoning District. City Attorney Restovich 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 August 2, 2021; Exhibit 5, Public Posting of Notice on August 11, 2021; Exhibit 6, Letter mailed to the abutting property owners within 185 feet on August 2, 2021; Exhibit 7, Application Cover Sheet received July 10, 2021; Exhibit 8, Application for Conditional Use Permit dated July 10, 2021 with attached letter from Sarah Ketterer-Unnerstall to City Council; Exhibit 9, Planning and Zoning Commission Report and Favorable Recommendation dated August 12, 2021; and Exhibit 10, City Planner’s Memo dated August 9, 2021.

Sarah Ketterer-Unnerstall, owner of Body Centered Therapy, was sworn in. Ms. Ketterer-Unnerstall provided information about her proposed massage therapy establishment. She also stated that she will be able to utilize the receptionist located with the building.

There were no public comments.

Mayor Roemerman polled the participating Ellisville residents and property owners regarding the information as presented: Five (5) residents were in favor and no one was in opposition.

Council Member Duffy closed the public hearing.

LEGISLATION

Bill #3714, 16216 Autumn View Terrace Drive (ELS Properties and JAMHAUS, LLC), rezoning to "R-2" Planned Residential Zoning District and CUP for townhouse development

Council Member Duffy introduced Bill #3714, AN ORDINANCE APPROVING (1) A CHANGE IN ZONING TO THE "R-2" PLANNED RESIDENTIAL ZONING DISTRICT, AND (2) ISSUANCE OF A CONDITIONAL USE PERMIT, TO ALLOW THE CONSTRUCTION AND OPERATION OF A MULTI-FAMILY DWELLING DEVELOPMENT FOR THE PROPERTY KNOWN AND NUMBERED AS 16216 AUTUMN VIEW TERRACE DRIVE, WITHIN THE PLANNED RESIDENTIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Duffy moved for consideration and perfection of Bill #3714, seconded by Council Member McGrath.

Mayor Roerman stated that this development is better than then the previous development and appreciated the effort but he opposes this proposal, noting that there are too many challenges for the site and would prefer a development with fewer units that would be owner occupied. Council Member Duffy commented that he is favor of the project and agreed that it's a great buffer use between residential and commercial, and he also stated that he would have some amendments for this Bill. Council Members Reel and McGrath asked City Manager Schwer about the blasting necessary for the project. City Manager Schwer stated the blasting will be permitted by St. Louis County and they have regulations that will need to be followed. Council Member McGrath also stated that the elevations will need to be provided as a condition of the approval. Council Member Cahill commented about the fence requirements and the need for additional fencing if any the tree line does not survive during construction.

Council Member Duffy moved to amend Bill #3714 to require native plantings be included in the retention basin, seconded by Council Member Cahill. The votes on this amendment were: Roerman "AYE", McGrath "AYE", Compton "AYE", Cahill "AYE", Reel "AYE", Duffy "AYE" and Boggs "AYE".

Council Member Duffy moved to amend Bill #3714 to require the elevations be included with Architectural Review Board review and part of that approval process. The motion was seconded by Council Member McGrath. Discussion ensued on the motion. Council Member Cahill questioned that if the Architectural Review Board is not amenable to the elevations, can this be sent back to the Council for reconsideration. City Attorney Restovich stated that it would need to meet City regulations. Council Member Cahill stated that he would like to include the limitation that the elevation be no higher than the previously proposed project. Council Member Duffy withdrew this motion and amended it to read as follows. Council Member Duffy moved to amend Bill #3714 to require the elevations be included with the Architectural Review Board review and are part of the Architectural Review consideration and that petition have the road elevation be no higher than the road from the previous project petition (as provided by City Manager Schwer). The motion was seconded by Cahill. The votes on this motion to amend were: Roerman "AYE", McGrath "AYE", Compton "AYE", Cahill "AYE", Reel "AYE", Duffy "AYE" and Boggs "AYE".

Discussion continued about the fence requirements and tree line within the buffer area. Mayor Roemerma moved to amend Bill #3714 to require a fence within the buffer area, but waive the requirement for up to five (5) years, if no fence is deemed necessary by staff after the five (5) year time period. The motion to amend Bill #3714 was seconded by Council Member Cahill. The votes on the amendment: Roemerma "AYE", McGrath "AYE", Compton "AYE", Cahill "AYE", Reel "AYE", Duffy "AYE" and Boggs "AYE".

Mayor Roemerma moved to amend Bill #3714 to have developer have the right-hand turn lane from West bound Manchester Road onto Autumn View Terrace Drive be restriped, seconded by Council Member Duffy. The votes on this amendment were: Roemerma "AYE", McGrath "AYE", Compton "AYE", Cahill "AYE", Reel "AYE", Duffy "AYE" and Boggs "AYE".

Mayor Roemerma implored the Council to not approve this development, noting that this is not a viable spot for more rental properties.

The votes on the first reading of Bill #3714, as amended, were: Roemerma "NAY", McGrath "AYE", Compton "AYE", Cahill "AYE", Reel "AYE", Duffy "AYE", and Boggs "NAY". Mayor Roemerma objected to a second reading of the amended Bill #3714. The second reading of Bill #3714, as amended, will be considered at the next Council Meeting.

Ord. #3484, 16024 Manchester Road, Unit 245 (Body Centered Therapy), message therapy CUP
Council Member Reel introduced Bill #3716, AN ORDINANCE AUTHORIZING ISSUANCE OF A CONDITIONAL USE PERMIT TO BODY CENTERED THERAPY TO ALLOW MASSAGE THERAPY SERVICES AT THE LOCATION KNOWN AND NUMBERED AS 16024 MANCHESTER ROAD, SUITE 245 WITHIN THE "C-3" COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Reel moved for consideration and perfection of Bill #3716, seconded by Council Member Duffy. The votes on the first reading of Bill #3716 were: Roemerma "AYE", McGrath "AYE", Compton "AYE", Cahill "AYE", Reel "AYE", Duffy "AYE" and Boggs "AYE". Council Member Reel introduced Bill #3715 for final passage, AN ORDINANCE AUTHORIZING ISSUANCE OF A CONDITIONAL USE PERMIT TO BODY CENTERED THERAPY TO ALLOW MASSAGE THERAPY SERVICES AT THE LOCATION KNOWN AND NUMBERED AS 16024 MANCHESTER ROAD, SUITE 245 WITHIN THE "C-3" COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Reel moved for final passage of Bill #3716, seconded by Council Member Duffy. The votes on the second reading of Bill #3716 were: Roemerma "AYE", McGrath "AYE", Compton "AYE", Cahill "AYE", Reel "AYE", Duffy "AYE" and Boggs "AYE". Bill #3716 becomes ORDINANCE #3484.

Ord. #3485, ArchImages Inc. agreement for professional services

Mayor Roemerma introduced Bill #3717, AN ORDINANCE TO AUTHORIZE AND DIRECT CITY MANAGER BILL SCHWER TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY OF ELLISVILLE, MISSOURI WITH ARCHIMAGES, INC. FOR THE PROVISION OF PROFESSIONAL SERVICES TO RENOVATE AND RELOCATE THE ELLISVILLE CITY HALL AND POLICE FACILITIES. Mayor Roemerma moved for consideration and perfection of Bill #3717, seconded by Council Member Reel. The votes on the first reading of Bill #3717 were: Roemerma "AYE", McGrath "AYE", Compton "AYE", Cahill "AYE", Reel "AYE", Duffy "AYE" and Boggs "AYE".

Council Member Duffy stated he provided feedback on the proposal. City Manager Schwer said his feedback were considered and milestones will be brought to the Council for review.

Mayor Roerman introduced Bill #3717 for final passage, AN ORDINANCE TO AUTHORIZE AND DIRECT CITY MANAGER BILL SCHWER TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY OF ELLISVILLE, MISSOURI WITH ARCHIMAGES, INC. FOR THE PROVISION OF PROFESSIONAL SERVICES TO RENOVATE AND RELOCATE THE ELLISVILLE CITY HALL AND POLICE FACILITIES. Mayor Roerman moved for final passage of Bill #3717, seconded by Council Member Compton. The votes on the second reading of Bill #3717 were: Roerman "AYE", McGrath "AYE", Compton "AYE", Cahill "AYE", Reel "AYE", Duffy "AYE" and Boggs "AYE". Bill #3717 becomes ORDINANCE #3485.

Ord. #3486, Amends the Municipal Code pertaining to candidacy filing dates

Council Member McGrath introduced Bill #3718, AN ORDINANCE AMENDING SECTION 105.050: FILING OF CANDIDATES OF THE MUNICIPAL CODE OF THE CITY OF ELLISVILLE, MISSOURI, RELATING TO CANDIDACY FILING DATES FOR MUNICIPAL ELECTIONS. Council Member McGrath moved for consideration and perfection of Bill #3718, seconded by Council Member Compton. The votes on the first reading of Bill #3718 were: Roerman "AYE", McGrath "AYE", Compton "AYE", Cahill "AYE", Reel "AYE", Duffy "AYE" and Boggs "AYE". Council Member McGrath introduced Bill #3718 for final passage, AN ORDINANCE AMENDING SECTION 105.050: FILING OF CANDIDATES OF THE MUNICIPAL CODE OF THE CITY OF ELLISVILLE, MISSOURI, RELATING TO CANDIDACY FILING DATES FOR MUNICIPAL ELECTIONS. Council Member McGrath moved for final passage of Bill #3718, seconded by Council Member Reel. The votes on the second reading of Bill #3718 were: Roerman "AYE", McGrath "AYE", Compton "AYE", Cahill "AYE", Reel "AYE", Duffy "AYE" and Boggs "AYE". Bill #3718 becomes ORDINANCE #3486.

PUBLIC COMMENTS

There were no public comments.

MAYOR/COUNCIL BUSINESS/REPORTS

Appointment to Parks Advisory Board

Mayor Roerman moved to appoint Christopher Miller to the Parks Advisory Board to fill the unexpired term. The motion was seconded by Council Member Boggs. The votes on the appointment were: Roerman "AYE", McGrath "AYE", Compton "AYE", Cahill "AYE", Reel "AYE", Duffy "AYE" and Boggs "AYE".

Appointment to Planning and Zoning Commission

Discussion took place about appointing Mindy Kelley to the commission. Council Member Reel and Duffy spoke to Mrs. Kelley about her interest. Mayor Roerman would like to speak to the nominee prior to appointment. Council Member McGrath noted that this could be considered at the meeting on September 1, 2021, which is prior to the next Planning and Zoning Commission.

ACTIVE COMMITTEE STATUS/UDPATES

Council Member Reel noted that there is a new statute in Bluebird Park named "Humdinger".

Mayor Roemerman adjourned the meeting at 9:28 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