

**CITY OF ELLISVILLE
COUNCIL MEETING**

SEPTEMBER 7, 2022

Mayor Roemerman opened this Regular Meeting at 7:00 p.m. In attendance were Council Members McGrath, Compton, Cahill, Sanborn, Duffy and Boggs.

Also present were: City Manager Schwer, City Attorney Malone, City Planner Hood, Police Chief Lewis, and City Clerk Dohack.

All those in attendance recited the Pledge of Allegiance led by Council Member McGrath.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Mayor Roemerman moved to approve the minutes from the August 17, 2022 Regular Council Meeting. The motion was seconded by Council Member McGrath. The votes were: McGrath "AYE", Compton "AYE", Cahill "ABSTAIN", Sanborn "AYE", Duffy "AYE", Boggs "AYE", and Roemerman "AYE".

PUBLIC COMMENTS I

There were no public comments.

PETITIONS

200 Hilltop (Pete Pulizzi), detached garage in excess of 600 square feet

Petition of Pete Pulizzi for consideration and approval of an accessory structure (a detached garage), (1) measuring in excess of 600 square feet, (2) in excess of seventy-five (75%) of the floor space of the principal living are of the original structure, (3) which may exceed the height of the principal structure, and (4) which may be closer than 10 feet to the property line(s) at 200 Hilltop within the R-1 Single Family Residential Zoning District.

Mr. Polizzi was present to answer questions on the proposed garage and noted that the garage will replace the exiting garage that is 28 feet from the property line. He also noted that the square footage of the proposed garage is 810 feet, which is less than 75% of the principal structure. Discussion continued among the Council Member about the size and height of the proposed garage.

Council Member Duffy moved to amend the petition to include the condition that the proposed garage not be taller in height than the existing house. The motion to amend was seconded by Council Member Boggs. The vote on the amendment were: McGrath "AYE", Compton "AYE", Cahill "AYE", Sanborn "AYE", Duffy "AYE", Boggs "AYE", and Roemerman "AYE". Council Member Cahill then moved to amend the petition to add the condition that patio overhang for the proposed garage not be enclosed. The motion to amend was seconded by Council Member McGrath. The votes on the is amendment were: McGrath "AYE", Compton "AYE", Cahill "AYE", Sanborn "AYE", Duffy "AYE", Boggs "AYE", and Roemerman "AYE".

Mayor Roemerma moved to approve the petition, as amended. The motion was seconded by Council Member Boggs. The votes on the approval as amended were: McGrath "AYE", Compton "AYE", Cahill "AYE", Sanborn "AYE", Duffy "NAY", Boggs "AYE", and Roemerma "AYE".

RECEIPT/FILING OF PLANNING AND ZONING COMMISSION

Mayor Roemerma 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 24, 2022 relative to the petition of CFT NV Developments, LLC, for: (1) for a change in zoning of the property at the location known and numbered as 16301 Truman Road, from "C-4" Ellisville Business Park Zoning District, to "C-5" Planned Commercial District; (2) for approval of the associated Site Development Concept Plan; and (3) for approval of a conditional use permit for a restaurant with a drive-through at the location known and numbered as 16301 Truman Road within the City of Ellisville.
- B. Receipt and filing of Planning and Zoning Commission's positive recommendation dated August 24, 2022 relative to the request of Alexander Vishnevetsky, for approval of a conditional use permit to allow the operation of Massage Heaven, LLC, a Massage Therapy Use, located at 109 Clarkson Executive Park, within the "C-3" Commercial Zoning District.

The motion was seconded by Council Member Duffy. The votes were: McGrath "AYE", Compton "AYE", Cahill "AYE", Sanborn "AYE", Duffy "AYE", Boggs "AYE", and Roemerma "AYE".

PUBLIC HEARINGS

51 Clarkson Road (Royal Juice), convenience store with liquor license CUP

Mayor Roemerma opened the public hearing which was continued from the August 27, 2022 public hearing pertaining to the 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, of the City of Ellisville, Missouri. City Attorney Malone commented that Exhibits 1-15 were entered at the Public Hearing held on August 17, 2022 and continued for the purposes of this hearing and then added two additional Exhibits, notes as Exhibit 16, missing pages from Conditional Use Permit Application received September 6, 2022 and Exhibit 17, three photos from Ms. Abraham.

Abdullah Abraham, business owner, City Planner Hood and City Manager Schwer were sworn in by City Clerk Dohack for this continued public hearing.

Mr. Abraham noted that the requested pages were sent to the Council Members.

Council Members discussed the proposed business and questioned the amount of tobacco products that would be sold. Mr. Abraham noted that the amount of tobacco products would be 15%.

Public Comments

There were no public comments.

Mayor Roemerma polled Ellisville residents and property owners regarding the petition as presented: Two (2) residents were in favor and three (3) were in opposition. Mayor Roemerma closed the public hearing.

16301 Truman Road (Panda Express), rezoning to C-5 Planned Commercial District, associated Site Development Concept Plan, and CUP for restaurant with drive-through

Mayor Roemerma opened the public hearing pertaining to the petition of CFT NV Developments, LLC, for: (1) for a change in zoning of the property at the location known and numbered as 16301 Truman Road, from “C-4” Ellisville Business Park Zoning District, to “C-5” Planned Commercial District; (2) for approval of the associated Site Development Concept Plan; and (3) for approval of a conditional use permit for a restaurant with a drive-through at the location known and numbered as 16301 Truman Road within the City of Ellisville. City Attorney Malone entered the following exhibits for the 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 3, 2022; Exhibit 5, Letter mailed to abutting property owners within 185 feet on August 1, 2022; Exhibit 6, Public posting of notice dated August 1, 2022; Exhibit 7, Notice of public hearing dated August 1, 2022; Exhibit 8, Memorandum from City Planner to Chairman Foster dated August 24, 2022; Exhibit 9, Planning and Zoning Commission Report and Recommendation dated August 24, 2022, forwarding positive recommendation; Exhibit 10, Memorandum from the City Planner to the City Manager dated September 7, 2022; Exhibit 11, Application for Conditional Use Permit/Site Plan Review/Rezoning; Exhibit 12, Letter from Heights Venture Architecture and Design dated July 7, 2022 to the City Council regarding request for rezoning; Exhibit 13, Letter from Terraspec regarding Landscaping requirements dated July 19, 2022; Exhibit 14, Email Correspondence to City Planner from Julie Nolfo from Lochmueller Group dated July 18, 2022, and traffic impact study prepared by Lochmueller Group; Exhibit 15, Letter from CEDC – Civil Engineering Design Consultants to City Planner dated July 27, 2022; Exhibit 16, Site Development Plan; and Exhibit 17, Phase 1 Environmental Report.

Eric Alben with Venture Heights representing the developer, Traffic Engineer Julie Nolfo, City Planner Hood and City Manager Schwer were sworn in by City Clerk Dohack for this public hearing.

Discussion ensued pertaining to the proposed restaurant lighting plan specifics and parking lot access.

Public Comments

There were no public comments.

Mayor Roemerma polled Ellisville residents and property owners regarding the petition as presented: Seven (7) residents were in favor and no one was in opposition. Mayor Roemerma closed the public hearing.

109 Clarkson Executive Park (Massage Heaven), massage therapy use CUP

Mayor Roemerma opened the public hearing pertaining to the request of Alexander Vishnevetsky, for approval of a conditional use permit to allow the operation of Massage Heaven, LLC, a Massage Therapy Use, located at 109 Clarkson Executive Park, within the “C-3” Commercial Zoning District. City Attorney Malone entered the following exhibits for the 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, 2022; Exhibit 5, Letter mailed to abutting property owners within 185 feet on August 1, 2022; Exhibit 6, Public posting of notice dated August 2, 2022; Exhibit 7, Notice of public hearing dated August 2, 2022; Exhibit 8, Application for Conditional Use Permit; Exhibit 9, Planning and Zoning Commission Report and Recommendation dated August 24, 2022, forwarding positive recommendation; Exhibit 10, Memorandum from the City Planner to the City

Manager dated September 7, 2022; Exhibit 11, Google Map Image of 209 Clarkson Executive Park; and Exhibit 12, St. Louis County Parcel Viewer.

Eric Alben with Venture Heights representing the developer, Traffic Engineer Julie Nolfo, City Planner Hood and City Manager Schwer were sworn in by City Clerk Dohack for this public hearing.

Public Comments

There were no public comments.

Mayor Roerman polled Ellisville residents and property owners regarding the petition as presented: Five (5) residents were in favor and no one was in opposition. Mayor Roerman closed the public hearing.

LEGISLATION

Bill #3754, 51 Clarkson Road (Royal Juice), liquor license CUP

Council Member Sanborn introduced Bill #3754, AN ORDINANCE AUTHORIZING ISSUANCE OF A CONDITIONAL USE PERMIT TO KALLONY, LLLC D/B/A ROYAL JUICE TO ALLOW THE OPERATION OF A CONVENIENCE STORE WITH LIQUOR SALES AT THE LOCATION KNOWN AND NUMBERED AS 51 CLARKSON ROAD, WITHIN THE C-3 COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Sanborn moved for consideration and perfection of Bill #3754, seconded by Council Member Duffy.

Mayor Roerman thanked the applicant, but stated that he was not in favor of this business at this location so near a residential area. Council Member Duffy stated that he was in favor of this business due to the low impact.

The votes on the first reading of Bill #3754 were: McGrath “NAY”, Compton “NAY”, Cahill “NAY”, Sanborn “AYE”, Duffy “AYE”, Boggs “AYE”, and Roerman “NAY”. The motion failed and the bill was not approved.

Ord #3527, 16301 Truman Road (Panda Express), rezoning to C-5 Planned Commercial District, drive-through CUP, and associated site development concept plan

Council Member Duffy introduced Bill #3759, AN ORDINANCE AUTHORIZING A CHANGE IN ZONING OF THE PROPERTY AT THE LOCATION KNOWN AND NUMBERED AS 16301 TRUMAN ROAD FROM THE “C-4” ELLISVILLE BUSINESS PARK ZONING DISTRICT TO THE “C-5” PLANNED COMMERCIAL ZONING DISTRICT, WITHIN THE CITY OF ELLISVILLE, MISSOURI; AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO CFT NV DEVELOPMENTS, LLC, ON BEHALF OF PANDA EXPRESS, TO ALLOW THE OPERATION OF A DRIVE-THROUGH FACILITY AT THE LOCATION KNOWN AND NUMBERED AS 16301 TRUMAN ROAD, WITHIN THE CITY OF ELLISVILLE, MISSOURI; AND APPROVING THE ASSOCIATED SITE DEVELOPMENT CONCEPT PLAN FOR PANDA EXPRESS. Council Member Duffy moved for consideration and perfection of Bill #3759, seconded by Council Member Compton.

Mayor Roerman thanked the applicant and stated that he was happy to see this development at this location.

Council Member Duffy moved to amend Bill #3759 to have the development lighting to limited to 3000 kelvins (correlated color temp) and that the as-builts will match the City's lighting requirements. The motion to amend was seconded by Council Member Compton. The votes on the amendment to Bill #3759 were: McGrath "AYE", Compton "AYE", Cahill "AYE", Sanborn "AYE", Duffy "AYE", Boggs "AYE", and Roemerma "AYE".

The votes on the first reading of Bill #3759, as amended, were: McGrath "AYE", Compton "AYE", Cahill "AYE", Sanborn "AYE", Duffy "AYE", Boggs "AYE", and Roemerma "AYE". Council Member Duffy introduced Bill #3759, as amended, for final passage, AN ORDINANCE AUTHORIZING A CHANGE IN ZONING OF THE PROPERTY AT THE LOCATION KNOWN AND NUMBERED AS 16301 TRUMAN ROAD FROM THE "C-4" ELLISVILLE BUSINESS PARK ZONING DISTRICT TO THE "C-5" PLANNED COMMERCIAL ZONING DISTRICT, WITHIN THE CITY OF ELLISVILLE, MISSOURI; AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO CFT NV DEVELOPMENTS, LLC, ON BEHALF OF PANDA EXPRESS, TO ALLOW THE OPERATION OF A DRIVE-THROUGH FACILITY AT THE LOCATION KNOWN AND NUMBERED AS 16301 TRUMAN ROAD, WITHIN THE CITY OF ELLISVILLE, MISSOURI; AND APPROVING THE ASSOCIATED SITE DEVELOPMENT CONCEPT PLAN FOR PANDA EXPRESS. Council Member Duffy moved for final passage of Bill #3759, as amended, seconded by Mayor Roemerma.

The votes on the second reading of Bill #3759, as amended, were: McGrath "AYE", Compton "AYE", Cahill "AYE", Sanborn "AYE", Duffy "AYE", Boggs "AYE", and Roemerma "AYE". Bill #3759 becomes ORDINANCE #3527.

Ord #3528, 109 Clarkson Executive Park (Massage Heaven), massage therapy CUP

Council Member Boggs introduced Bill #3760, AN ORDINANCE AUTHORIZING ISSUANCE OF A CONDITIONAL USE PERMIT TO MASSAGE HEAVEN, LLC, TO ALLOW THE OPERATION OF MASSAGE THERAPY SERVICES AT THE LOCATION KNOWN AND NUMBERED AS 109 CLARKSON EXECUTIVE PARK, WITHIN THE C-3 COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Boggs moved for consideration and perfection of Bill #3760, seconded by Council Member Duffy. The votes on the first reading of Bill #3760 were: McGrath "AYE", Compton "AYE", Cahill "AYE", Sanborn "AYE", Duffy "AYE", Boggs "AYE", and Roemerma "AYE". Council Member Boggs introduced Bill #3760 for final passage, AN ORDINANCE AUTHORIZING ISSUANCE OF A CONDITIONAL USE PERMIT TO MASSAGE HEAVEN, LLC, TO ALLOW THE OPERATION OF MASSAGE THERAPY SERVICES AT THE LOCATION KNOWN AND NUMBERED AS 109 CLARKSON EXECUTIVE PARK, WITHIN THE C-3 COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Boggs moved for final passage of Bill #3760, seconded by Council Member McGrath. The votes on the second reading of Bill #3760 were: McGrath "AYE", Compton "AYE", Cahill "AYE", Sanborn "AYE", Duffy "AYE", Boggs "AYE", and Roemerma "AYE". Bill #3760 becomes ORDINANCE #3528.

Ord #3529, Amends 2022 Budget related to financing for City Government Center

Council Member Duffy introduced Bill #3761, AN ORDINANCE AMENDING ORDINANCE #3498, TO MAKE CERTAIN AMENDMENTS TO THE 2022 BUDGET FOR THE CITY OF ELLISVILLE, ST. LOUIS COUNTY, MISSOURI, RELATED TO FINANCING FOR THE CITY GOVERNMENT CENTER. Council Member Duffy moved for consideration and perfection of Bill #3761, seconded by Mayor Roemerma. The votes on the first reading of Bill #3761 were: McGrath "AYE", Compton "AYE", Cahill "AYE", Sanborn "AYE", Duffy "AYE",

Boggs “AYE”, and Roemerma n “AYE”. Council Member Duffy introduced Bill #3761 for final passage, AN ORDINANCE AMENDING ORDINANCE #3498, TO MAKE CERTAIN AMENDMENTS TO THE 2022 BUDGET FOR THE CITY OF ELLISVILLE, ST. LOUIS COUNTY, MISSOURI, RELATED TO FINANCING FOR THE CITY GOVERNMENT CENTER. Council Member Duffy moved for final passage of Bill #3761, seconded by Council Member Boggs. The votes on the second reading of Bill #3761 were: McGrath “AYE”, Compton “AYE”, Cahill “AYE”, Sanborn “AYE”, Duffy “AYE”, Boggs “AYE”, and Roemerma n “AYE”. Bill #3761 becomes ORDINANCE #3529.

Ord #3530, amends Municipal Code, Section 345.070 regarding walking upon the roadway

Council Member Cahill introduced Bill #3762, AN ORDINANCE AMENDING TITLE III: TRAFFIC CODE; CHAPTER 345: PEDESTRIANS’ RIGHTS AND DUTIES, BY THE AMENDMENT OF SECTION 345.070, REGARDING WALKING UPON THE ROADWAY, OF THE CODE OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Cahill moved for consideration and perfection of Bill #3762, seconded by Council Member Boggs. The votes on the first reading of Bill #3762 were: McGrath “AYE”, Compton “AYE”, Cahill “AYE”, Sanborn “AYE”, Duffy “AYE”, Boggs “AYE”, and Roemerma n “AYE”. Council Member Cahill introduced Bill #3762 for final passage, AN ORDINANCE AMENDING TITLE III: TRAFFIC CODE; CHAPTER 345: PEDESTRIANS’ RIGHTS AND DUTIES, BY THE AMENDMENT OF SECTION 345.070, REGARDING WALKING UPON THE ROADWAY, OF THE CODE OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Cahill moved for final passage of Bill #3762, seconded by Mayor Roemerma n. The votes on the second reading of Bill #3762 were: McGrath “AYE”, Compton “AYE”, Cahill “AYE”, Sanborn “AYE”, Duffy “AYE”, Boggs “AYE”, and Roemerma n “AYE”. Bill #3762 becomes ORDINANCE #3530.

Resolution #09-07-2022, preliminary funding agreement with Midas Ellisville, LLC

Mayor Roemerma n introduced Res.#09-07-2022, A RESOLUTION OF THE CITY OF ELLISVILLE, MISSOURI, APPROVING A PRELIMINARY FUNDING AGREEMENT WITH MIDAS ELLISVILLE, LLC REGARDING 15970 MANCHESTER ROAD, WITHIN THE CITY OF ELLISVILLE, MISSOURI. Mayor Roemerma n moved for consideration and perfection of Res. #09-07-2022, seconded by Council Member Duffy. The votes on the motion were: McGrath “AYE”, Compton “NAY”, Cahill “NAY”, Sanborn “AYE”, Duffy “AYE”, Boggs “AYE”, and Roemerma n “AYE”. Res #09-07-2022 was approved.

PUBLIC COMMENTS

There were no public comments.

MAYOR/COUNCIL BUSINESS/REPORTS

Mayor Roemerma n noted that he, some of the Council Members and staff will be attending the Missouri Municipal League’s Annual Conference, September 11 – 14, 2022.

Board/Commission Appointments/Reappointments

This item will be postponed to a later meeting.

Assistance League Proclamation

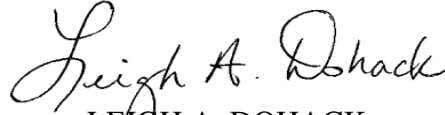
Mayor Roemerma n read a proclamation honoring the Assistance League of St. Louis’ 35th Anniversary. Council Member Duffy and Mayor Roemerma n commented on this organization’s service to the St. Louis community.

ACTIVE COMMITTEE STATUS/UDPATES

There were no updates.

The meeting adjourned at 7:53 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Leigh A. Dohack". The signature is written in a cursive style with a large, looping initial 'L'.

LEIGH A. DOHACK
City Clerk