



City of Ellisville

PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES

Meeting Date: March 14, 2018

TABLE OF CONTENTS

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES – FEBRUARY 14, 2018
6. PUBLIC HEARING
 - A. Petition #18-03-01: The Planning and Zoning Commission will discuss and consider the petition of Cypress Equity, LLC for Rezoning to R-2 Planned Residential Zoning District, Site Development Plan and Subdivision Plat approval regarding a tract of land totaling approximately 3.41 acres located at 95 Ranchmoor Trail (currently zoned R-1 Single Family Residential) to allow a new residential subdivision featuring 12 single-family detached homes.
7. PETITION(S) FOR RECOMMENDATION
 - A. Petition #18-03-02: Request for an amendment to an existing Conditional Use Permit, authorizing a microbrewery with liquor sales, located at 16050 Manchester Road within the C-3 Commercial Zoning District.
 - B. Petition #18-03-03: Petition of BRG NLD Development, LLC, for approval of a subdivision plat and issuance of a conditional use permit to allow the operation of a drive-through facility associated with a new Burger King restaurant at 16100 Manchester Road (the former QT) within the M-1 Light Industrial Zoning District.
8. PETITION(S) FOR APPROVAL
 - A. Petition #18-03-04: Request for approval of a minor amendment to an existing Conditional Use Permit authorizing a transfer of ownership and operation of the Pre-Owned Vehicle Sale use located at 16360 Truman Road within the C-4 Ellisville Business Park Zoning District.
9. ADJOURNMENT

PLANNING AND ZONING COMMISSION MEETING SUMMARY

1. **CALL TO ORDER:** Chairman Boggs called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE:** Commissioner Reel led the Pledge of Allegiance.

3. **ROLL CALL**

Present

Al Tamulaitis
Sandie McGrath
Mike Roerman
Curtis Boggs
John Ellebrecht
Linda Reel
Liz Schmidt
Cindy Parnell, Asst. City Attorney

Absent

Suzanne Gundlach
Rob Compton

A quorum was present for the meeting.

Also present were City Planner Hood, Councilmember McGrath, and Councilmember Duffy.

4. **APPROVAL OF AGENDA**

A motion was made by Commissioner Ellebrecht to approve the Agenda, as written, and was seconded by Commissioner Reel. The votes were as follows:

Aye

Al Tamulaitis
Sandie McGrath
Mike Roerman
Curtis Boggs
John Ellebrecht
Linda Reel
Liz Schmidt

Nay

Abstain

Absent

Suzanne Gundlach
Rob Compton

5. **APPROVAL OF MINUTES**

A motion was made by Commissioner Reel to approve the February 14, 2018, Regular Meeting Minutes, as written, and was seconded by Commissioner Ellebrecht. Hearing no questions or discussions, the votes were as follows:

Aye

Al Tamulaitis
Sandie McGrath
Mike Roerman
Curtis Boggs
John Ellebrecht
Linda Reel
Liz Schmidt

Nay

Abstain

Absent

Suzanne Gundlach
Rob Compton

6. PUBLIC HEARING(S)

Petition #18-03-01: The Planning and Zoning Commission will discuss and consider the petition of Cypress Equity, LLC for Rezoning to R-2 Planned Residential Zoning District, Site Development Plan and Subdivision Plat approval regarding a tract of land totaling approximately 3.41 acres located at 95 Ranchmoor Trail (currently zoned R-1 Single Family Residential) to allow a new residential subdivision featuring 12 single-family detached homes.

Assistant City Attorney Parnell read the Exhibit List, and Planner Hood and Mr. Ben Stegmann, the applicant, were sworn in.

Planner Hood stated the applicant would like to seek general approval for the rezoning, subdivision and site plan at this time. The site is located between Ranchmoor Trail and Mar-EI Court along the north side of Manchester Road. The applicant is proposing to develop a new single-family residential subdivision, which will contain 12 lots and a new public street. It has been deemed that a traffic increase for the 12 lots is negligible. Lot sizes may change per MSD requirements.

Mr. Ben Stegmann, Cypress Equity, stated he will comply with all City requirements, along with Metro West Fire Department. Applicant also stated he plans to preserve the existing tree canopy along the western boundary of the site, and is currently working with MSD regarding storm water runoff. Homes will be constructed on one side of the street only due to the long, narrow shape of the property.

Chairman Boggs opened the public hearing.

Vern Daffron, 1095 Sagebrush: Stated he has lived across from the proposed development for 48 years. He believes the development will impact traffic on Ranchmoor. Need to change the ingress and egress. Change to 3-lane Street to include left turn, right turn, and entrance lane. Possibly change traffic signals to let Ranchmoor traffic out quicker onto Manchester Road. Possibly add traffic signal changes as part of the petition to MoDOT. Medians are bad. Opposed.

Joe Pellerito, 56 Mar-EI Court: Would like to see fences built on north side of property to restrict people from walking through our back yard all the time.

Commissioner Reel asked if possible to request changes to the traffic signals to MoDOT. Planner Hood stated she would ask, but they (MoDOT) may not acquiesce.

Mr. Stegmann stated there is a proposed fence along the south border to separate the residential development from the commercial development. He indicated, he was amenable to discussing new fencing abutting with residents, as well. He also stated he will ask MoDOT about the signal timing.

Mr. Stegmann said he has discussed the traffic issues with the traffic engineer, and this problem predates his proposed development. It was determined that 12 houses will have minimal impact on traffic issues.

Rick Ruby, 175 Ranchmoor: Stated the traffic dilemma is due to the road being uphill. People speed to get up the hill and some type of caution sign telling drivers to slow down is needed. Rick questioned why homes are closer to the existing residential, as opposed to other side of street, and spacing them out. He demanded to be supplied with maps of the project. He questioned runoff from the dealership. He indicated that the street design may not be the best scenario, but that it could not be judged adequately. Opposed.

Joe Craig, 50 Mar-EI Court: Stated he had been approached about our land. He would rather sell the back of our property, and have it all developed at once.

Commissioner Roemerma asked the applicant if they had considered any additional land space.

Mr. Stegmann replied that he'd been approached by some residents asking if he'd like to purchase their land. He responded that the proposed project is the only interest at this point. Future purchase may be possible, but not at this time.

Mr. Stegmann stated they are trying to preserve the existing tree mass. If the houses were moved to the other side of the street, the trees would need to be removed.

Commissioner Schmidt stated she has no problem with rezoning this parcel. It would be better than having commercial development going into a residential neighborhood.

Commissioner McGrath asked if storm water drainage from Bo Beuckman and NTB ran into the site. Mr. Stegmann stated that it currently does. He also stated there is a low spot on the site where the storm water retention is currently located. He stated that he will be improving the entire area with the retention area meeting MSD requirements.

Commissioner McGrath inquired about the construction of spec homes, or build-to-suit homes. Mr. Stegmann stated both types would be constructed.

Chairman Boggs closed the public hearing.

Discussion ensued among the Commissioners.

Commissioner Reel moved to forward a favorable recommendation to the City Council, subject to the following condition(s):

1. That the applicant secures approval from the Metropolitan St. Louis Sewer District including sewer easements, water quality features and associated maintenance agreements, etc.; and
2. That the applicant obtains a land disturbance permit, including SWMPP, from the Missouri Department of Natural Resources; and
3. That the applicant agrees to pay a sum of money equal to ten percent (10%) of the market value of the unimproved land intended as the planned residential district as required by code; and
4. That the City Council accepts 40' of right of way, instead of the standard 50', for the proposed public street; and
5. That the applicant prepares and submits a landscape plan, including woodland preservation, for staff review and approval as part of the permit review process; and
6. That all mature woodlands intended for preservation be designated as common ground; and
7. That the applicant prepares and submits a photometric plan for staff review and approval as part of the permit review process; and
8. That all street lighting be per City of Ellisville requirements; and
9. That the applicant prepares and submits a final plat for staff review and approval as part of the permit review process; and
10. That the residential subdivision indentures/by-laws be submitted to the City Attorney for review and approval prior to residential building permit issuance; and
11. That all storm water outfall structures feature an aesthetically appealing surface/skin; and
12. That the petitioner files a surety bond or escrow cash or an equivalent in the amount of equal to one hundred (100) percent of the estimated cost of construction of the development improvements; and

13. That the applicant secures approval from Metro West Fire Protection District; and
14. That the petitioner complies with all applicable Codes as part of building permit issuance; and
15. Applicant schedules a meeting with all abutting residents regarding fencing; and
16. Applicant obtains a traffic impact study; and
17. Applicant coordinates with staff to restripe Ranchmoor Trail, if possible.

The motion was seconded by Commissioner Ellebrecht. The votes were as follows:

<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Al Tamulaitis			Suzanne Gundlach
Sandie McGrath			Rob Compton
Mike Roerman			
Curtis Boggs			
John Ellebrecht			
Linda Reel			
Liz Schmidt			

7. PETITION(S) FOR RECOMMENDATION

Petition #18-03-02: Request for an amendment to an existing Conditional Use Permit, authorizing a microbrewery with liquor sales, located at 16050 Manchester Road within the C-3 Commercial Zoning District.

Planner Hood stated the applicant wishes to amend the current CUP to waive all landscape requirements, approve the trash dumpster as it currently exists, allow later business hours on the weekends, and to allow outdoor seating/dining in front of the business. The applicant is to maintain an accessible route from the parking lot to the building.

Mr. Chris Greer, owner, stated when starting this business the expenses were more than what was budgeted. He is not opposed to the landscape requirements, but current revenue is very low.

Commissioner Reel stated she recently visited the microbrewery, and everything was very nice. She also stated the seating in front is a great idea.

Commissioner Ellebrecht stated he has no problem with the privacy slats in the existing fence along west and the south property lines. All was good during his visit.

Commissioner Roerman said he likes the seating in the front of the building. He recommended the City give Mr. Greer more time to accomplish some of the recommendations. Possibly revisit this in 6 months. However, the lighting in the rear of the building seems to be too bright. He suggested future shielding, or to angle the lights downward instead of replacing the entire fixtures.

Mr. Greer also stated the trash dumpster is enclosed by the fence, not visible. Planner Hood stated the request is to waive the masonry enclosure and allow the dumpster to remain as it currently exists.

Commissioner McGrath asked about extending business hours until 11:30 pm. Mr. Greer stated they usually close around 10:00 pm, but would like to have the option of a later closing time on Fridays and Saturdays, if needed.

Commissioner McGrath inquired about noise for the neighbors. Mr. Greer stated inside music is louder than the people outside, and it cannot be heard through the door. Manchester Road noise also buffers the noise from his patrons.

Commissioner Reel stated the front seating is great. She believed that residents would not be able to hear noise in back of building due to Manchester Road noise.

Discussions ensued among the Commissioners.

Commissioner Ellebrecht moved to waive the public hearing and forward a favorable recommendation to the City Council, subject to the following condition(s):

1. The applicant contact the owner of the property to adjust the lights, or light shields, behind the building to aim downward; and
2. Maintain an accessible route, 36" wide, from the parking lot accessible parking space access aisle to the entrance into the building; and
3. Install concrete parking blocks in the parking spaces adjacent to the proposed outdoor seating area.

The motion was seconded by Commissioner Reel. The votes were as follows:

<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Al Tamulaitis	Sandie McGrath		Suzanne Gundlach
Mike Roerman			Rob Compton
Curtis Boggs			
John Ellebrecht			
Linda Reel			
Liz Schmidt			

Petition #18-03-03: Petition of BRG NLD Development, LLC, for approval of a subdivision plat and issuance of a conditional use permit to allow the operation of a drive-through facility associated with a new Burger King restaurant at 16100 Manchester Road (the former QT) within the M-1 Light Industrial Zoning District.

Planner Hood summarized the applicant is requesting approval of a subdivision plat and a conditional use permit to allow the operation of a drive-through facility associated with a new Burger King restaurant. Due to the possibly of high traffic, drive-through facilities require approval of a conditional use permit. The applicant is proposing to subdivide the lot into two separate parcels. Each parcel will measure approximately 1 acre. The western parcel will be used for the new Burger King Restaurant and drive-through facility. It is anticipated that a similar user (restaurant with drive-through facility) will occupy the lot. The access points will remain the same, as well as, the current landscaping. The applicant agrees to comply with all lighting requirements.

Mr. Rick Rohlfing, BFA, stated nearly all landscaping will remain the same with the exception of three trees behind the drive-through, which will be removed. This development will not share the dumpster area with any future development. Mr. Rohlfing stated they will comply with all recommendations.

Discussions ensued among the Commissioners.

Commissioner Ellebrecht moved to waive the public hearing and forward a favorable recommendation to the City Council, subject to the following condition(s):

1. That the applicant obtains a Land Disturbance Permit from the Department of Natural Resources; and
2. That the applicant obtains approval from the Metropolitan St. Louis Sewer District including storm water easements, water quality maintenance agreements, etc.; and
3. That the applicant submits a Storm Water Pollution Prevention Plan; and
4. That the applicant obtains approval from Missouri Department of Transportation for all work on Manchester Road right-of-way; and
5. That the City Council approves the landscaping as proposed; and
6. That the applicant secures approval from the Architectural Review Board; and
7. That the applicant obtains approval from Missouri American Water and Metro West Fire Protection District for location of new water main, fire hydrants, etc.; and
8. That the applicant submits a photometric lighting plan for staff review and approval; and
9. That all the maximum height of parking lot lights is 20' including the base; and
10. That all lights are "dark sky" certified; and
11. That the applicant installs sidewalk luminaires per Section 400.351 of the Ellisville Municipal Code; and
12. That the applicant installs bike racks, as per code requirements; and
13. That the applicant installs a three foot landscaped area or guard for retaining walls measuring 4' to 6' in heights, and a guard rail, if required, for all retaining walls over 6 feet in height.

The motion was seconded by Commissioner Schmidt. The votes were as follows:

<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Al Tamulaitis			Suzanne Gundlach
Sandie McGrath			Rob Compton
Mike Roerman			
Curtis Boggs			
John Ellebrecht			
Linda Reel			
Liz Schmidt			

8. PETITION(S) FOR APPROVAL

Petition #18-03-04: Request for approval of a minor amendment to an existing Conditional Use Permit authorizing a transfer of ownership and operation of the Pre-Owned Vehicle Sale use located at 16360 Truman Road within the C-4 Ellisville Business Park Zoning District.

Planner Hood stated the applicant is requesting approval to allow Luxury Sports and Imports to own and operate the used vehicle sales portion of the facility. Pro-Tech Collision has been operating at the current location, in the same manner without any complaints. Pro-Tech Collision will continue to own and operate the auto repair, auto service, and auto wash portions of the facility.

Planner Hood also stated the six (6) new trees (required as part of the 2016 approval) are to be installed prior to issuance of the new occupancy permit and business license for Luxury Sports and Imports.

The applicant stated they will replace the trees as soon as weather permits.

Commissioner Ellebrecht moved to deem the requested amendment minor and approve the request as proposed, subject to the following condition(s):

1. The six (6) new trees (required as part of the 2016 approval) are installed prior to issuance of the new occupancy permit and business license for Luxury Sports and Imports.

The motion was seconded by Commissioner Reel. The votes were as follows:

Aye

Al Tamulaitis
Sandie McGrath
Mike Roerman
Curtis Boggs
John Ellebrecht
Linda Reel
Liz Schmidt

Nay

Abstain

Absent

Suzanne Gundlach
Rob Compton

9. ADJOURNMENT

Chairman Boggs adjourned the meeting at 8:50 pm.

Respectfully Submitted,



Angie Shoemate