



City of Ellisville

PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES

Meeting Date: July 11, 2018

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 - A. Petition #18-07-01: Petition of Bell Missouri, LLC, for issuance of a conditional use permit to allow the operation of a drive-through facility associated with a new Taco Bell restaurant at 16100 Manchester Road (the former QT site) within the M-1 Light Industrial Zoning District.
 - B. Petition #18-07-02: Petition of Mandy Ryan for approval of a Conditional Use Permit to allow the operation of a Dog Training Facility located at 16079 Manchester Road, within the C-3 Commercial Zoning District.
 - C. Petition #18-07-03: Petition of Troy Ard for approval of a Conditional Use Permit to allow the operation of a Massage Therapy business located at 15825 Manchester Road, Suite 205, within the C-3 Commercial Zoning District.
 - D. Petition #18-07-04: Petition of Resort Lifestyle Communities requesting approval of a lot consolidation plat for the properties located at 15950 Manchester Road and 15902 (Lot 2-A) Manchester Road within the C-3 Commercial Zoning District.
7. PUBLIC HEARING(S)
 - A. Petition #18-07-05: The Planning and Zoning Commission will discuss and consider the petitions of Shawneetown Capital, LLC for approval of (1) Rezoning from R-1 Single Family Residential to (2) C-5 Planned District Commercial with (3) Associated Site Development Plan, (4) Subdivision Plat, and (5) a Conditional Use Permit authorizing a new self-storage facility, a car wash facility, a convenience store with liquor sales, gas station and drive-through facility (associated with a restaurant) and (6) a Conditional Use Permit authorizing a drive-through facility (associated with a restaurant) located at 55 Clarkson and 1283 Vero Lane.
8. ADJOURNMENT

PLANNING AND ZONING COMMISSION MEETING SUMMARY

1. **CALL TO ORDER:** Acting Chairman Ellebrecht called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE:** Commissioner Gundlach led the Pledge of Allegiance.
3. **ROLL CALL**

Present

Sandie McGrath
Suzanne Gundlach
Al Tamulaitis
Rob Compton
John Ellebrecht
Nancy Bengtson
Jim Burtelow
VACANT
George Restovich, City Attorney

Absent

Curtis Boggs

A quorum was present for the meeting.

Also present were City Planner Hood, Councilmembers McGrath and Reel.

4. **APPROVAL OF AGENDA**

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

Aye

Sandie McGrath
Suzanne Gundlach
Al Tamulaitis
Rob Compton
John Ellebrecht
Nancy Bengtson
Jim Burtelow
VACANT

Nay

Abstain

Absent

Curtis Boggs

5. APPROVAL OF MINUTES

A motion was made by Commissioner Gundlach to approve the May 9, 2018, Regular Meeting Minutes, as written, and was seconded by Commissioner Tamulaitis. Hearing no questions or discussions, the votes were as follows:

<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Suzanne Gundlach		Sandie McGrath	Curtis Boggs
Al Tamulaitis		Nancy Bengtson	
Rob Compton		Jim Burtelow	
John Ellebrecht			
VACANT			

6. PETITION(S) FOR RECOMMENDATION

Petition #18-07-01: Petition of Bell Missouri, LLC, for issuance of a conditional use permit to allow the operation of a drive-through facility associated with a new Taco Bell restaurant at 16100 Manchester Road (the former QT site) within the M-1 Light Industrial Zoning District.

Planner Hood stated the applicant is requesting approval and issuance of a conditional use permit to allow the operation of a drive-through facility associated with a new Taco Bell restaurant. Taco Bell is to be located on the east lot, and Burger King to be located on the west lot.

A traffic study was not performed for either site since the former QT Station generated more traffic than the two proposed businesses combined.

Discussions ensued among the Commissioners. The hours of operation were discussed.

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

1. That the site plan be subject to final approval by staff, in order to rectify the circulation issues identified by the City's third party traffic consultant; and
2. That the City Council approve the landscape plan as proposed; and
3. That the lighting plan be revised to fully comply with the city codes and subject to final approval by staff; and
4. That the applicant agree to install decorative sidewalk luminaires along Old State Road the entire length of their property; and
5. That the applicant secures approval from the Architectural Review Board; and
6. 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
7. That the hours of operation are no later than 2:00 am.

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

<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Sandie McGrath			Curtis Boggs
Suzanne Gundlach			
Al Tamulaitis			
Rob Compton			
John Ellebrecht			
Nancy Bengtson			
Jim Burtelow			
VACANT			

Petition #18-07-02: Petition of Mandy Ryan for approval of a Conditional Use Permit to allow the operation of a Dog Training Facility located at 16079 Manchester Road, within the C-3 Commercial Zoning District.

Planner Hood stated the applicant is requesting consideration and approval of a Conditional Use Permit to allow the operation of a dog training facility, at the subject site. The applicant will offer individual and group training. No overnight or daycare services will be offered.

The applicant has submitted details regarding waste disposal and clean up, which mostly comply with the City's adopted regulations. The applicant is seeking waivers for the following items:

1. No freezer- for solid waste when shared dumpster. Only nominal waste is anticipated. 10 puppies or 5 adult dogs at maximum shift, and for a limited time.
2. No outdoor area –day-care and boarding services will not be offered. The applicant proposes to walk the dogs out the back door to the grassy area to relieve themselves in the grassy area. This area is currently used in the same manner by Anna's Doghouse Groomers.
3. No sounds walls- they share a wall with Anna's Doghouse Groomers on one side, while the other side is vacant.

Discussions ensued among the Commissioners.

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

1. That the maximum number of dogs in the facility, at any one time, is limited to twelve (12) maximum; and
2. That the property owner is required to install sound-proofing, as required by the Dog Training Facility Regulations, if (1) there are complaints; or (2) the abutting tenant spaces become occupied by non-dog-related uses.

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

<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Sandie McGrath			Curtis Boggs
Suzanne Gundlach			
Al Tamulaitis			
Rob Compton			
John Ellebrecht			
Nancy Bengtson			
Jim Burtelow			
VACANT			

Petition #18-07-03: Petition of Troy Ard for approval of a Conditional Use Permit to allow the operation of a Massage Therapy business located at 15825 Manchester Road, Suite 205, within the C-3 Commercial Zoning District.

Planner Hood stated the applicant is requesting consideration and approval of a Conditional Use Permit to allow the operation of Rain Spa Tuina, a massage therapy business, at the subject site. The applicant will lease the same tenant space previously used by Rain Spa, a similar type use. The applicant is proposing to incorporate the previous business name into his new business to help retain existing customers.

The applicant stated he wanted to open a legitimate business, and will comply with all of the City's recommendations.

Commissioner McGrath asked the applicant why he was in a hurry to open in order to keep existing customers when the previous owner said there was no business, and moved back to Texas. Commissioner McGrath also asked why he would want their not-so-stellar name combined with his business name. The applicant agreed that some employees were "shady" while some of them were not. Some of them failed to keep their massage licenses up-to-date.

Commissioner McGrath stated there are two schools nearby. How is this location the best for your business? The applicant stated he wanted to have a local and quality massage business close to home for white and blue color families.

The applicant stated there would be one full time employee to start, but would like to expand to six full-time employees.

Commissioner McGrath asked if there was a business plan in place. The applicant stated no. Commissioner McGrath then stated that based on past history, and the lack of a business plan, she did not feel this business would benefit this area.

Discussions ensued among the Commissioners.

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

1. The hours of operation are limited to 10:00 a.m. through 9:00 p.m., as noted on the application; and

2. No less than fifty (50%) of the surface area of windows facing the public right-of-way must remain uncovered with visibility into the business.

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

<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Al Tamulaitis	Sandie McGrath		Curtis Boggs
Rob Compton	Suzanne Gundlach		
John Ellebrecht			
Nancy Bengtson			
Jim Burtelow			
VACANT			

Petition #18-07-04: Petition of Resort Lifestyle Communities requesting approval of a lot consolidation plat for the properties located at 15950 Manchester Road and 15902 (Lot 2-A) Manchester Road within the C-3 Commercial Zoning District.

Planner Hood stated the applicant is requesting approval to allow a lot consolidation of this property. The City recently approved a new retirement complex on the subject properties. The applicant is now seeking approval of the consolidation plat as required by the City. The proposed lot consolidation will clean up the parcels to create one single lot for the proposed development.

Discussions ensued among the Commissioners.

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

1. That the proposed cross access easements are recorded with the St. Louis County Recorder of Deeds, and proof of the recording is submitted to the City prior to occupancy permit issuance.

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

<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Sandie McGrath			Curtis Boggs
Suzanne Gundlach			
Al Tamulaitis			
Rob Compton			
John Ellebrecht			
Nancy Bengtson			
Jim Burtelow			
VACANT			

7. PUBLIC HEARING(S)

Petition #18-07-05: The Planning and Zoning Commission will discuss and consider the petitions of Shawneetown Capital, LLC for approval of (1) Rezoning from R-1 Single Family Residential to (2) C-5 Planned District Commercial with (3) Associated Site Development Plan, (4) Subdivision Plat, and (5) a Conditional Use Permit authorizing a new self-storage facility, a car wash facility, a convenience store with liquor sales, gas station and drive-through facility (associated with a restaurant) and (6) a Conditional Use Permit authorizing a drive-through facility (associated with a restaurant) located at 55 Clarkson and 1283 Vero Lane.

City Attorney Restovich read the Exhibit List, and City Planner Hood, Traffic Consultant Cheryl Sharp, and the applicants were sworn in.

Planner Hood stated the applicant is proposing to rezone the former Ellisville Baptist Church site (55 Clarkson Road) and the detention property (1283 Vero Lane) from R-1 Single Family Residential to C-5 Planned Commercial District. The applicant is proposing to subdivide the former church site into three lots to accommodate a new drive through restaurant, a car wash facility with a convenience store, a gas station with an attached drive through restaurant, and self-storage facility. The fourth lot will remain the storm water detention facility to service the main property.

The traffic consultant, Cheryl Sharp with Lochmueller Group, stated the drives are compliant for cross-access on the south side. The access will need to be widened onto Clarkson Road and at Froesel Drive to increase the radii when cars are turning into these streets.

The applicant stated this process started months ago, and that they tried to engage and receive feedback from the resident and City to make sure it works for all included. He stated his company understands not everyone will be a fan of the new development, but they will work hard to work in everyone's best interest. This development is designed as long-term retail, not big box uses.

The applicant also stated Vero Lane has no thru traffic, and they do not want commercial traffic to turn there. The site is designed to direct traffic to the light signal. The storm water detention pond will be relocated and will comply with all MSD regulations. All storm water from this development will be directed to the detention pond.

Acting Chairman Ellebrecht opened the public hearing.

Mike Rhoads, 115 Robins Song Drive: I was a member of the church when it decided to merge and move. We looked for a developer that would be good for the residents. I'm asking that you please approve this development. In favor.

John Reinsel, Attorney for Timberwinds Nursery, 54 Clarkson Road: My client is concerned about Clarkson Road traffic. Going north is a challenge to turn into his business or onto Froesel. He believes it will have a negative impact on his business and the ability to make a left turn. You need to improve traffic and mitigate intensity. My client is worried about a median being installed. Opposed to traffic proposal.

Janet Puls, 335 Clayton Oaks Drive: I've lived here 38 years, and have seen a lot of change. We appreciate all the City has done to increase revenue for Ellisville. Storage units are in high demand, and this location will offer a great buffer to the residents. Good decision for our City. Please approve this development. In favor.

Robert Specker, 54 Clarkson Road: I am the owner of Timberwinds Nursery. The expansion of Froesel equals taking land. The nursery already suffers with low parking spaces. We've been there 40 years, and have witnessed many collisions in this area.

Milton Galucia, 28 Clarkson Road: I am the manager of the BP Gas Station. We have QT and another gas station on the other side, and are unable to expand.

Victoria Hookland, 1220 Vero Lane: We are located directly behind the development. The church purchased homes in the subdivision after the split, and put themselves into our subdivision. Business entrances and exits should be kept separate from Vero Lane. Crashes will increase. Old State storage resembles home garages. Can't these resemble the same, or instead do underground building instead of going "up."

Cris Scatizzi, 1549 Virginia Drive: I've lived here 39 years. I'm opposed to changing the zoning from R-1. We need more housing. When the church was here, we avoided traffic at certain times. We don't need another storage facility, we have plenty of gas stations and restaurants. Wildwood does not allow fast food. Ellisville is a joke. Move this development to vacant lots on Manchester.

Matt Sprung, 1225 Fairview Drive: This area is too commercial. We don't need storage units there. The lights are too high, and construction lights are horrible. Traffic flow will get worse and will back up on Manchester. We don't want people to avoid Ellisville because it's too piled up. There will be extra noise. Opposed.

Marsha Timmerman, 1507 West Field Avenue: The development would be better on Manchester. There is already a long wait to make left turns. Tidal Wave would be better in a totally different area. The Council turned down Freddy's, and this is much bigger on a congested road. Would be better on the vacant lots on Manchester. Opposed.

Marlene Lewis, 1210 Clarkson Court: I've lived here 25 years. We already have several gas stations and fast food restaurants. Tidal Wave is not sustainable. High end businesses do not sustain in Ellisville. We already have sewer problems on Clarkson Road. The retention pond is a child hazard. I would like to meet with the developer. Opposed.

Brianne Minter, 54 Devore Drive: I purchased my home from the church. I work by a Tidal Wave at another location, and it is very commercial. This is a residential area. I love Ellisville. I'd like to see you put in a rec center or garden space to bring people together. Putting a 2-story building in my back yard gives me safety concerns. There noise from the vacuums and light pollution in my home. No one is listening to the community. Opposed.

John Kelli, 1141 Woodsummit Road: I'm proud of the Planning and Zoning and the City. I'm in favor for many reasons: growth, business, and change. Ellisville always has new development. Vero Lane has large lots. We need tax revenue, not a TIFF. This development will make money and improve property values. In favor.

Mark Crisp, 515 Summer Oak Circle: I moved here two years ago from Ballwin. I love Ellisville. Clarkson Road is my primary commute route. Traffic won't be an issue. It's already bad. The church location would not be a good location for homes along Clarkson Road. In favor.

Acting Chairman Ellebrecht closed the public hearing.

Discussions ensued among the Commissioners.

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

1. That the applicant agrees to comply with the City's third party traffic consultant's recommendations, including, but not limited to:
 - a. The westbound Site Access drive would require revised lane geometry from the current site plan to reflect a separate left turn lane to accommodate the protected/permissive left turn signal phasing, and a shared through/right lane.
 - b. Coordination with staff and MoDOT to implement Option 2 signal timing and phase changes.
 - c. Implement signage at Marsh Avenue to not block the intersection as an added measure to ensure the intersection remains clear.
 - d. Should the weekday PM southbound queue become unacceptable, as determined by the City Council, the applicant agrees to incur the cost associated with an overall progression analyses and coordination plan along Clarkson Rd to secure MoDOT's approval for any needed signal time and phase changes to improve the situation.
2. That the applicant install a dedicated (EB) right-hand turn lane along Froesel, as per the traffic impact studies recommendation; and
3. The applicant agrees to widen the radii at the southwest and northwest corners of Froesel and Clarkson Road; and
4. The Applicant agrees to coordinate with the abutting townhomes HOA to relocate the cross access location further east; and
5. The applicant installs a sidewalk along Vero Lane abutting their property; and
6. That the applicant relocates the existing sidewalk along Clarkson Road to add a landscaped area between the sidewalk and road; and
7. That the operator of the convenience store agrees to require courses and certification (offered through the ATF) for all employees selling alcohol; and
8. The Applicant complies with all recommendations from the City's third party landscape architect; and
9. That the car wash facility hours are limited, as follows:
 10. 6:30 am – 8:00 pm, Sunday thru Thursday
 11. 6:30 am – 8:00 pm, Friday thru Saturday
12. That decorative sidewalk luminaires are installed along Clarkson Road; and
13. That the applicant paints all the existing signal posts and mast arms located at the intersection of Froesel and Clarkson Road black, to match the Great Streets theme along Manchester Road, and
14. That all light poles are limited to a maximum overall height of 20 feet; and
15. That all lighting complies with Sections 400.350 and 400.351 of the zoning code; and
16. That a block wall is installed partially along the south property line abutting the town homes, to help mitigate excessive sound; and

17. That the proposed public art piece/bus shelter be subject to ARB approval; and

18. That the Applicant secures ARB approval for all the buildings.

The remaining proposed district regulations are attached hereto as Exhibit A.

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

Aye

Suzanne Gundlach
Al Tamulaitis
John Ellebrecht
Nancy Bengtson
Jim Burtelow
VACANT

Nay

Sandie McGrath
Rob Compton

Abstain

Absent

Curtis Boggs

8. ADJOURNMENT

Acting Chairman Ellebrecht adjourned the meeting at 9:30 p.m.

Respectfully Submitted,



Angie Shoemate