



## PLANNING & ZONING COMMISSION

**MEETING DATE:** FEBRUARY 28, 2023  
**LOCATION:** COUNCIL CHAMBERS, 9119 LACKLAND ROAD, OVERLAND, MO 63114  
**CALL TO ORDER:** 6:00 PM  
**ADJOURNMENT:** 6:56 PM  
**NEXT P&Z MEETING:** TUESDAY, MARCH 28, 2023 @ 6:00PM  
**COUNCIL MEETING:** MONDAY, MARCH 13, 2023 @ 6:00PM

### ROLL CALL

<b>NAME:</b>	<b>PRESENT:</b>	<b>ABSENT:</b>
WILLIAM HARDRICK, CHAIRMAN	X	
STEVE OLSEN	X	
MARK GIROUX	X	
JIM WADE		X
MAYOR MARTY LITTLE	X	
COUNCILWOMAN BETH RUCKMAN	X	
JOSEPH BOND, SPECIAL COUNSEL	X	
KEN CROWDER	X	
LESLIE FERGUSON	X	
RENEE CROWELL		X
KADI SANDERS, DIRECTOR of COMMUNITY DEVELOPMENT	X	
JAMES OSBORNE, ZONING COORDINATOR	X	

### PLEDGE OF ALLEGIANCE

### REMEMBRANCE OF SERVICE MEMBER

### APPROVAL OF MINUTES:

Ken Crowder made a motion to approve the minutes as presented from the January 31, 2023, Planning and Zoning meeting. Mark Giroux seconded the motion. Motion Carried.

## **PUBLIC HEARING:**

Chairman Hardrick explained the Planning & Zoning Commission is an advisory board. All approvals are granted by the City Council. He also read the following code sections regarding expiration of Conditional Use Permit(s) and Site Plan approval(s):

### Section 400.635 Expiration of Site Plan Approval.

The site plan approval shall expire, and be of no effect, one hundred eighty (180) days after the date of final approval thereof, unless within such time a building permit for any proposed work authorized under the said site plan approval has been issued. The site plan approval shall expire and be of no effect three hundred sixty (360) days after the date of its issuance, if construction has not begun and been pursued diligently on the property.

### Section 400.695 Failure to Commence Construction or Operation.

Unless otherwise stated in the conditions of a particular conditional use permit, substantial work, construction, or operation of the conditional use, where construction is not required, shall commence within six (6) months of the effective date of the permit unless such time period is extended through appeal to and approval by the Planning and Zoning Commission. If no appeal is made, or no extension of time is received or granted, the permit shall immediately terminate upon expiration of the six (6) month period. When the conditional use permit commences, evidence of commencement will be the issuance of a building permit, if construction is required, or an occupancy permit, if construction is not required.

### 9640 LACKLAND ROAD – FORWARD COLLISION LLC – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Due to no one present to represent the property or business as the first agenda item, Mayor Little made a motion to postpone the item to the end of the meeting in case someone appeared. Leslie Ferguson seconded the motion. Motion Carried

Leslie Ferguson made a motion to postpone the agenda item until someone was able to be present on behalf of the property or business. Mayor Little seconded the motion. Motion Carried.

### 1814 WOODSON ROAD – EZ TIRE & AUTO SERVICE – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Worku Muche on behalf of Ez Tire & Auto Service, address the Commission to request approval of a conditional use permit and site plan, to operate a new business. The new business is an automotive repair facility located in the former Epic Auto building on the corner of Woodson Road and Brown Road.

Ms. Kadi Sanders, Director of Community Development, explained to the Commission the applicant was here this evening for a Conditional Use Permit and Site Plan Approval for an automotive repair facility located at the corner of Woodson and Brown Road. She further explained the site plan conformed to the current city zoning code based on the variances previously granted for the property. Ms. Sanders

explained to the Commission that this land use is considered to be of high intensity and does have a tendency to impact the area. She further explained the lot is unique with having frontage on three streets, but is a similar use as previously approved.

There was a brief discussion regarding the Letter of Intent indicating the storage of ten vehicles on-site. It was clarified the business owner conducts fleet maintenance for a business and was indicating the vehicles might be stored on-site overnight if vehicle maintenance was not completed. There was a brief discussion about days and hours of operation and operational standards for the business.

Ms. Sanders explained to the Commission the site indicated some landscaping on the site plan and would be required for the applicant to install and maintain as part of the commercial occupancy process. It was also explained and confirmed this business did not allow for vehicle rentals or sales and strictly was for automotive repair.

There were no comments from the audience.

There were no comments from legal counsel.

Steve Olsen made a motion to recommend approval of the conditional use permit with stipulations as discussed. Councilwoman Beth Ruckman seconded the motion. Motion Carried.

Ken Crowder made a motion to recommend approval of the site plan as presented. Steven Olsen seconded the motion. Motion Carried.

1968 INNERBELT BUSINESS CENTER DRIVE – MID-COUNTY DANCE LLC – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Lauren Berkowitz dba L.A. Gold, owner of Mid-County Dance LLC, addressed the Commission to request approval of a conditional use permit and site plan, to operate a new business. The new business is a Dance Studio, (Health & Fitness Center) located in the Innerbelt Business Center.

Ms. Kadi Sanders, Director of Community Development, explained to the Commission the applicant was here this evening seeking approval of a conditional use permit and site plan to operate a health & fitness center, more so a dance studio. She explained the location of the dance studio was a suite within the innerbelt business center. Ms. Sanders explained to the Commission the land use does not have a negative impact on the area, and there are similar uses with larger impacts in the area. She further expressed the site plan conforms to the code.

There was a brief discussion regarding expanding hours of operation for future use, approximate class sizes, and day to day operations.

There were no comments from the audience.

There were no comments from legal counsel.

Councilwoman Beth Ruckman made a motion to recommend approval of the conditional use permit with stipulations as discussed. Leslie Ferguson seconded the motion. Motion Carried.

Steve Olsen made a motion to recommend approval of the site plan as presented. Leslie Ferguson seconded the motion. Motion Carried.

1946 INNERBELT BUSINESS CENTER DRIVE – PANERA LLC DBA PANERA BREAD NATIONAL MAINTENANCE – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Kenneth Ault, on behalf of Panera LLC, addressed the Commission to request approval of a conditional use permit and site plan, to operate a new business. The new business is an on-site repair facility with non-hazardous warehousing.

Ms. Kadi Sanders, Director of Community Development, explained to the Commission that applicant was here this evening seeking approval of a conditional use permit and site plan to operate an on-site repair facility with non-hazardous warehousing business. She explained the location of the business was a suite located within the innerbelt business center. Ms. Sanders further explained to the Commission the land use does not have a negative impact on the area, and because it is an on-site repair facility it required a conditional use in the zoning district. She further expressed the business is not open to the public and operates strictly in repairing equipment for Panera Bread bakeries, and expressed the site plan conforms to the code.

There was a brief discussion in regards business operations and days and hours of operation, along with storage items being warehoused.

There were no comments from the audience

There were no comments from legal counsel.

Steve Olsen made a motion to recommend approval of the conditional use permit with stipulations as discussed. Mark Giroux seconded the motion. Motion Carried.

Councilwoman Beth Ruckman made a motion to recommend approval of the site plan as presented. Leslie Ferguson seconded the motion. Motion Carried.

1691 WOODSON ROAD – WOODSON QUICK STOP LLC DBA QUICK STOP. – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Ibrahim Hussein on behalf of Woodson Quick Stop LLC, addressed the Commission to request approval of a conditional use permit and site plan, to operate a new business. The new business is an automotive repair facility located in the former Calvert Auto Express building on the corner of Woodson Road and Trenton Avenue.

Ms. Kadi Sanders, Director of Community Development, explained to the Commission the applicant was here this evening for a Conditional Use Permit and Site Plan Approval for an automotive repair facility located at the corner of Woodson and Trenton Avenue. She expressed the business was a change of ownership only and was previously known as Calvert's Auto Express. She further explained the site plan conformed to the current city zoning code and is a high intensity land use and does have the tendency to generate traffic, however the use is the same as the previous and does not impact the neighborhood.

There was a brief discussion involving the storage and sales of tires at the location. This discussion also included how vehicles sales and outside storage are prohibited at this time. There was a brief discussion about days and hours of operation, operational standards for the business, and the overnight parking of up to ten (10) customer vehicles on the lot.

There were no comments from the audience.

There were no comments from legal counsel.

Steve Olsen made a motion to recommend approval of the conditional use permit with stipulations as discussed. Mayor Little seconded the motion. Motion Carried.

Councilwoman Beth Ruckman made a motion to recommend approval of the site plan as presented. Mark Giroux seconded the motion. Motion Carried.

2306 HOOD AVENUE – L.A.M. MINISTRIES INC – PLACE OF PUBLIC ASSEMBLY SITE PLAN APPROVAL

Deborah Allen, on behalf of L.A.M. Ministries Inc. addressed the Commission to request approval of a site plan, to operate a place of public assembly (church).

Ms. Kadi Sanders, Director of Community Development, explained to the Commission the applicant was here this evening requesting approval a site plan, which is required for all places of public assembly such as churches. She explained to the Commission this location was previously a church and staff had exhausted all efforts to locate when the property became vacant, without success. She informed the Commission during the site plan review there were several deficiencies found with the property and conforming to the zoning code, specifically the regulations pertaining to the places of public assembly. She expressed the applicant had been notified of the deficiencies found during the review but yet had not applied for variances as of this evening.

Ms. Sanders requested if approval of the site plan is recommended by the Commission, it be contingent upon variance approval from the Board of Adjustment.

There was brief discussion in regards to the location of the church and the site plan itself, and the deficiencies found in the site plan review.

There were no comments from the audience.

There were no comments from legal counsel.

Steve Olsen made a motion to recommend approval of the site plan as presented and contingent upon variance approval. Leslie Ferguson seconded the motion. Motion Carried.

1939 WOODSON ROAD – JAI MAA DURSA LLC DBA AL'S P-X – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Rajesh Patel, on behalf of Jai Maa Dursa LLC, addressed the Commission to request approval of a conditional use permit and site plan, to operate a new business. The new business is a convenience store with tobacco and alcohol sales. The business is located in the former Al's P-X Liquor building on the corner of Woodson Road and Minerva Avenue.

Ms. Kadi Sanders, Director of Community Development, explained to the Commission the applicant was here this evening for a Conditional Use Permit and Site Plan Approval for a convenience store with tobacco and alcohol sales located at the corner of Woodson and Minerva Avenue. She expressed the business was a change of ownership only and was previously known as Al's PX Liquor. She further explained the site plan conformed to the current city zoning code with the previously approved variance son file for the property. Ms. Sanders further explained to the Commission it would be recommended during the occupancy inspection with the property the landscaping be refreshed and maintained as noted and designed on the site plan.

Andy Tubbs, associated with the business, explained to the Commission it is his intentions to work alongside the business owner to refresh the landscaping and it would reflect what is noted on the site plan.

There was a brief discussion of days and hours of operation associated with the business.

There were no comments from the audience.

There were no comments from legal counsel.

Steve Olsen made a motion to recommend approval of the conditional use permit with stipulations as discussed. Councilwoman Beth Ruckman seconded the motion. Motion Carried.

Councilwoman Beth Ruckman made a motion to recommend approval of the site plan as presented. Leslie Ferguson seconded the motion. Motion Carried.

**NEW BUSINESS/OLD BUSINESS:**

Mark Giroux expressed to the Commission his pleasantries with the staff and the inclusion of comprehensive plan material being added to the Commission packets.

Special Counsel Joseph Bond expressed although tonight not being the ideal time, but eventually we needed to revisit the completion of the training program, which was previously started.

**ADJOURNMENT:**

Mark Giroux made a motion to adjourn. Leslie Ferguson seconded the motion. Motion carried.

Respectfully submitted,

William Hardrick, Chairman  
Planning and Zoning