



PLANNING & ZONING COMMISSION

MEETING DATE: MAY 26, 2020
LOCATION: COUNCIL CHAMBERS 9119 LACKLAND ROAD OVERLAND MO 63114
CALL TO ORDER: 6:00 PM
ADJOURNMENT: 6:45 PM
NEXT P&Z MEETING: TUESDAY, JUNE 30, 2020 @ 6:00PM COUNCIL CHAMBERS
COUNCIL MEETING: MONDAY, JUNE 8, 2020 @ 6:00PM

ROLL CALL

NAME:	PRESENT:	EXCUSED:
WILLIAM HARDRICK	X	
STEVE OLSEN	X	
MARK GIROUX	X	
JIM WADE	X	
MAYOR MIKE SCHNEIDER	X	
BETH RUCKMAN, CHAIRWOMAN	X	
SPECIAL COUNCIL, NEWTON MCCOY	X	
COUNCILMAN LES DILLS	X	
KEN CROWDER	X	
PATRICK WROBLEWSKI	X	
MIKE BYNUM	X	
KIRBY BARNARD, COMMUNITY DEVELOPMENT	X	
KADI SANDERS, ZONING COORDINATOR	X	

PLEDGE OF ALLEGIANCE

REMEMBRANCE OF SERVICE MEMBERS

APPROVAL OF MINUTES:

Ken Crowder made a motion to approve the minutes as amended from the February 25, 2020, Planning and Zoning meeting. Mayor Mike Schneider seconded the motion. Motion carried unanimously.

PUBLIC HEARING:

Chairwoman Ruckman read the following zoning 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.

9673 PAGE AVENUE UNIT C – ABRA KADABRA HAIR & HEALING –CUP/SITE PLAN APPROVAL

Abra McField addressed the Commission regarding the application submitted for site plan approval and a conditional use permit to operate a commercial service – hair salon.

Kirby Barnard, Director of Community Development, gave a brief update of the condition of the building and that applicant will also be applying for a construction permit for an interior build out.

Special Counsel, Newton McCoy, asked if the applicant will be operating on two separate levels and the applicant responded her business will only be on the lower level of the building.

Mayor Schneider asked the applicant if she was confident in the hours presented and the applicant explained that while clients may not come in after business hours, she and the staff may still be in the building. Further, she explained she has plans for the future to create a training center at this facility. Mayor Schneider stated the training facility could be addressed in the future when she is ready.

There were no comments from the audience.

Ken Crowder made a motion to approve the conditional use permit as presented. Jim Wade seconded the motion. Motion carried unanimously.

Steve Olsen made a motion to approve the site plan contingent upon variance approval. William Hardrick seconded the motion. Motion carried unanimously.

9440 MIDLAND BLVD – KING GRILL – AMEND CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

The applicant or a representative was not present. The application was to amend the existing conditional use permit and site plan approval by eliminating the requirement to install landscaping at the front of the site as required by Section 400.450.A.2.

There was a brief discussion relating to the amount of money the property owner has invested in the site to date, parking, and another business locating in the building.

Special Counsel, Newton McCoy, expressed his support of the amendment if it relates to the need for additional parking as opposed to the property owner just not wanting to install landscaping.

Mark Giroux and Ken Crowder expressed support to approve the amendment.

Ken Crowder made a motion to amend the original conditional use permit to eliminate the installation of landscape frontage as per section 400.450.A.2. Mark Giroux seconded the motion. Motion carried unanimously.

Mayor Schneider made a motion to approve the amended site plan as presented. Jim Wade seconded the motion. Motion carried unanimously.

10200 PAGE AVE – FIRE CHICKEN – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Sung Ming Baik addressed the commission to request approval of the site plan and conditional use permit to operate a carry out only restaurant. Anthony Duncan, architect for the applicant was also present. Mr. Duncan explained the site has been vacant for more than six months and has lost any non-conformity and therefore they have applied for several variances as it is impossible to make the site comply with the current zoning code.

Kirby Barnard, Director of Community Development, concurred with the architect. Further, the applicant is schedule to appear before the Board of Adjustment on June 10, 2020.

There was discussion relating to day and hours of operation, dumpster enclosure, there will be no company vehicles, no outside storage, the restaurant will be carry out only, and the applicant is required to obtain approval of variance requests.

There was further discussion regarding the seating inside the restaurant. The architect confirmed the seating is only for customer's waiting to pick up food. This is a carry out restaurant.

Ken Crowder made a motion to approve the conditional use permit with stipulations as presented. Mark Giroux seconded the motion. Motion carried unanimously.

Mayor Mike Schneider made a motion to approve the site plan contingent upon variance approval. William Hardrick seconded the motion. Motion carried unanimously.

1701 DIELMAN RD – ALLVATION LLC dba TENSPros.COM – CUP/SITE PLAN APPROVAL

Sean Alsup addressed the commission to request approval of the site plan and conditional use permit to operate an office/warehouse specializing in E-Commerce sales.

Kirby Barnard, Director of Community Development, gave a brief history of the building and the last use. Further, he stated there are existing variances on the site and therefore the site conforms.

There was discussion regarding days and hours of operation, a white Ford cargo van will be kept on site overnight, outside storage is prohibited.

Special Counsel, Newton McCoy asked what product the applicant will be storing on site. The applicant replied medical supplies, orthopedic braces, and pain relief equipment. Mr. McCoy asked the applicant if there will be any type of hazardous materials on site and the applicant responded no. Further, the applicant said he has discussed the materials with the fire district and received approval from the fire district. Mr. McCoy stated the applicant should provide a copy of the fire district's approval as a stipulation of the conditional use permit. Mr. Barnard expressed this is the city's standard procedure before issuing the business license or commercial occupancy permit.

Mayor Mike Schneider made a motion to approve the conditional use permit with stipulations as presented. Patrick Wroblewski seconded the motion. Motion carried unanimously.

Ken Crowder made a motion to approve the site plan as presented. Mayor Schneider seconded the motion. Motion carried unanimously.

1824 BROWN RD – ROSE SPORTS BAR & GRILL – CUP/SITE PLAN APPROVAL

Mayor Schneider made a motion to bring the agenda item back to the table. Mark Giroux seconded the motion. Motion carried unanimously.

Chairwoman Beth Ruckman explained the agenda item was postponed on November 26, 2019 for ninety days in order to give the applicant time to obtain and submit for review architectural renderings of updates to the interior kitchen, bar, ADA bathroom, and to provide an updated site plan. As of today's date, the applicant has failed to submit the requested documents.

There was discussion on how the commission would like to proceed with the application.

Ken Crowder made a motion to table the agenda item. Steve Olsen seconded the motion. Motion carried unanimously.

NEW BUSINESS/OLD BUSINESS:

Mayor Schneider explained during the ongoing Pandemic the city has continually been operational and open for business. The city has been working efficiently despite the circumstances. A moratorium has been approved regarding liquor licenses to help aid the businesses effected by the shut down and loss of business. Council meetings have been starting at six o'clock and this may be the norm moving forward. Next week there is an election. The OBA is having a parade in lieu of the block party and the farmer's market is trying to get operational also.

Mr. Crowder asked the status of the Waffle House and Mr. Barnard stated they are temporarily shut down due to COVID-19. It is the city's intent to work with them regarding an extension of the conditional use.

Mr. Bynum asked the status of Total Access Urgent Care and Mr. Barnard expressed we are awaiting MoDot and MSD approval; otherwise the city is ready to issue.

ADJOURNMENT:

Ken Crowder made a motion to adjourn. Jim Wade seconded the motion. Motion carried.

Respectfully submitted,

Beth Ruckman, Chairwoman
Planning and Zoning