



PLANNING & ZONING COMMISSION

MEETING DATE: AUGUST 25, 2020
LOCATION: COUNCIL CHAMBERS 9119 LACKLAND ROAD OVERLAND MO 63114
CALL TO ORDER: 6:00 PM
ADJOURNMENT: 7:30 PM
NEXT P&Z MEETING: TUESDAY, SEPTEMBER 29, 2020 @ 6:00PM COUNCIL CHAMBERS
COUNCIL MEETING: MONDAY, SEPTEMBER 14, 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	
COUNCILWOMAN LISA RIDOLFI	X	
KEN CROWDER	X	
LES DILLS	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 presented from the July 28, 2020, Planning and Zoning meeting. Mark Giroux seconded the motion. Motion carried.

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.

2549 WOODSON RD – DIXON'S BBQ – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Joseph Dixon addressed the Commission regarding the application submitted for site plan approval and a conditional use permit to operate a restaurant.

Kirby Barnard gave a brief history of the building and explained there are a few ongoing code enforcement issues with the building that will be addressed during the inspection.

Newton McCoy asked Mr. Dixon where the food truck will be located and Mr. Dixon explained he has recently sold the food truck, but hopes to purchase another in the future. Further, Mr. McCoy asked if there is intent to sell alcoholic beverages from this location and Mr. Dixon responded no. Mr. McCoy stated the building was built prior to the incorporation of the city and anything related to the physical configuration would be grandfathered.

There was discussion related to hours of operation, days of operation, and number of employees.

There were no comments from the Commission and no comments from the audience.

Ken Crowder made a motion to approve the conditional use permit with stipulations as presented and discussed. William Hardrick seconded the motion. Motion carried.

Steve Olsen made a motion to approve the site plan as presented. Councilwoman Lisa Ridolfi seconded the motion. Motion carried.

9319 C MIDLAND BLVD – PURE PEARL WELLNESS SPA – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Micai Levenberry addressed the Commission regarding the application submitted for site plan approval and conditional use permit to operate a commercial service – wellness spa.

Kirby Barnard, Director of Community Development gave a brief history of the business explaining she has a current location on Woodson Road.

Newton McCoy, Special Counsel, asked if the existing business would close and Ms. Levenberry said no, she is expanding.

There was discussion related to days and hours of operation, number of employees, company vehicles, and outside storage being prohibited.

There were no comments from the Commission.

There were no comments from the audience.

Mark Giroux made a motion to approve the conditional use permit with stipulations as presented and discussed. Les Dills seconded the motion. Motion carried.

Mark Giroux made a motion to approve the site plan contingent upon variance approval. Councilwoman Lisa Ridolfi seconded the motion. Motion carried.

9443 LACKLAND RD – CHOSEN PATH – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Janice and Bryan Williams addressed the Commission regarding an application submitted for site plan approval and a conditional use permit to operate an adult daycare facility.

Kirby Barnard, Director of Community Development, gave the Commission a brief history of the building and stated his concern is exactly how they intend to use the facility.

Newton McCoy, Special Counsel, asked the applicants to elaborate on the services they intend to provide. Ms. Williams responded they will help the disabled and mentally challenged providing everyday social skills, exercise, companionship, and activities.

There was discussion related to State of Missouri inspection, State of Missouri approvals, if activities will be conducted outside, if clients will be picked up/dropped off, and traffic plan for pickup/drop off which is to be on the side of the building (Western side).

There were no further comments from the Commission.

Steve Olsen made a motion to approve the conditional use permit with stipulations as presented and discussed. Councilwoman Lisa Ridolfi seconded the motion. Motion carried.

Ken Crowder made a motion to approve the site plan as presented. William Hardrick seconded the motion. Motion carried.

2543 HOOD AVE/9602 W MILTON AVE – ZONING MAP AMENDMENT – FROM “R-3” TO “C-1”

Ken Crowder recused himself from voting as he is an elected member of the All Souls Parish Council which is an affiliate to the ownership of the property. Further, the representative, Susan Shelton, Parish Administrator was unable to attend the meeting this evening, therefore Mr. Crowder will address the Commission to request approval of the application submitted for a zoning map amendment of 2543 Hood Ave and 9602 W. Milton Avenue from “R-3” Single Family Residential to “C-1” Neighborhood Commercial.

Kirby Barnard explained the All Souls Parish occupies all four buildings located on the corners of Hood and Tennyson. All of these properties are currently zoned “R-3” Single Family Residential and cannot

accommodate a neighbor commercial type business. Mr. Barnard expressed changing the zoning of this building to “C-1” is a great move for the church.

Newton McCoy asked if the kitchen in the building will be used strictly for a commercial business or is there intent to use the kitchen for a food pantry and/or free food distribution and Mr. Crowder responded no.

Mark Giroux stated while he understands this is an unusual request he sees no reason why it shouldn't be approved. It is a wonderful extension of the property and should fit into the neighborhood well. Councilwoman Ridolfi agreed. Mayor Schneider agreed.

Leonard Lammert, resident that backs up to the back side of the building, does not support changing the zoning to a commercial use.

Krisandy Krauss, resident, had concerns regarding the hours of operation and waste/trash generated by this type of business.

Terry Bushman, prospective business owner to locate in facility, addressed the Commission to clarify hours of operation, number of employees, vans that will be located on site; all food will be prepared indoors.

Mayor Mike Schneider made a motion to recommend to city council to approve the zoning map at 2543 Hood Ave and 9602 W. Milton Avenue from “R-3” Single Family Residential to “C-1” Neighborhood Commercial. Mark Giroux seconded the motion. Motion carried.

10055 LACKLAND RD – LUCKY'S OVERLAND MARKET – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Jim Woodworth, architect, addressed the Commission on behalf of his client, Balbir Singh, to request approval of the site plan and a conditional use permit to operate a convenience store with liquor sales.

Mr. Woodworth expressed the applicant only intends to use 2,400 square feet of the building for the convenience store. The building actually has two units.

Kirby Barnard asked if the property owner was present at the meeting and Mr. Woodworth stated no.

Mark Giroux commented the site plan is dated 2017 and Mr. Woodworth said that was when the project originally started.

Mr. Barnard gave a brief history of the building and its uses.

Newton McCoy gave a brief history of the previous applications that were presented to the Commission, the Board of Adjustment, and City Council which was all approved however the applicant never proceeded forward with the project and the business thus this is considered a new application.

There was discussion regarding the parking across the street and parking located in front of the building on Lackland Road.

Mark Giroux commented he doesn't feel this presentation is complete due to having an outdated plan and had concerns about parking. Mr. Woodworth explained he has submitted applications to the Board of Adjustment related to the parking issue and is scheduled to appear before the Board in October.

There was discussion regarding the sale of tobacco products and e-cigarette products being prohibited from this location per St. Louis County Code 602.361, there was discussion regarding the days and hours of operation, outside storage being prohibited, dumpster enclosure is no longer located on the auxiliary parking area, and that trash storage will be inside the building and a trash company would pick it up during normal business hours. Mr. Woodworth was unable to answer all questions with certainty.

Leslie Sanders, resident on Bryant, provided a letter to the Commission members with her concerns. Ms. Sanders stated she does not support approval of this business or any retail business at this location.

Carol Foley, resident that lives behind the business, objects to the proposed hours of operation and liquor sales.

Sharon Crocker, resident on Clare Court, has concerns over trash from the business and customers.

Mark Giroux expressed the property owners are not holding up their end on upkeep, he prefers the property owners to be at the meeting, and he doesn't like the hours of operation.

Councilwoman Lisa Ridolfi does not support the sale of alcohol from this location, the hours of operation, and would be opposed to this business.

Jackie Payne, 2111 Bryant, has concerns over the upkeep of the building and constant trash issues, but doesn't like to see the store empty.

Chairwoman Ruckman agrees with Mark Giroux and respects the residents' concerns.

Newton McCoy read Section 400.670.3 Procedures, Burden of Proof which explains it is the applicant's burden to prove the proposed conditional use permit meets the required criteria.

There were no further comments from the audience.

There were no further comments from the Commission.

Jim Wade made a motion to postpone the agenda item to allow the property owners to present. Councilwoman Lisa Ridolfi seconded the motion. Motion carried.

2146 WOODSON RD – WOODSON GROCERY & LIQUOR – AMENDMENT TO CONDITIONAL USE PERMIT

Gene Koverman, property owner, addressed the Commission on behalf of the applicant to request approval of the application submitted to amend the existing conditional use permit to include a carry out only restaurant and the site plan.

Kirby Barnard gave a brief history of the building and the businesses. He explained the kitchen installation is quite extensive and will require building permits from the Fire District, the city, and St. Louis County Mechanical.

Mayor Mike Schneider had concerns over management of trash control and Mr. Koverman said he will take care of it.

Councilwoman Lisa Ridolfi had concerns over the temporary signs in the windows as stipulated in the original conditional use permit and Mr. Barnard said he has discussed with the property owner and it will be taken down.

There was discussion regarding days and hours of operation, approval from St. Louis County Health is required, the same number of employees as before, outside storage is prohibited.

There were no comments from the audience.

Ken Crowder made a motion to approve the conditional use permit with stipulations as presented and discussed. Councilwoman Lisa Ridolfi seconded the motion. Motion carried.

Steve Olsen made a motion to approve the site plan as presented. Councilwoman Lisa Ridolfi seconded the motion. Motion carried.

9539 B LACKLAND RD – EL DETALLE SALON – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

James Woodworth, architect addressed the Commission on behalf of the applicant to request approval of the applications submitted for site plan approval and conditional use permit to operate a commercial service – hair salon.

Kirby Barnard explained that the business is located in another unit within the building and has applied to locate within another unit of the building. When the applicant initially began operating her business the building was zoned “C-1” Neighborhood Commercial in which a commercial service – hair salon is a permitted use. However at some point the property owner changed the zoning of the building to “C-2” General Commercial which requires a commercial service – hair salon to obtain a conditional use permit.

There was discussion regarding the days and hours of operation, dumpster enclosure doors, and a variance related to the rear yard setback.

There were no comments from the Commission.

There were no comments from the audience.

Steve Olsen made a motion to approve the conditional use permit as presented and discussed. Ken Crowder seconded the motion. Motion carried.

Mark Giroux made a motion to approve the site plan contingent upon variance approval. William Hardrick seconded the motion. Motion carried.

9440 MIDLAND BLVD – COMMERCIAL ELE MESSAGE BOARD SIGN – CONDITIONAL USE PERMIT

William Masheleh, the property owner, addressed the Commission to request approval of a conditional use permit to operate a commercial electronic message board sign.

Kirby Barnard addressed the property owner over concerns of a sign that was recently installed without a permit and will not be permitted if the conditional use permit is approved for the commercial electronic message board sign. Mr. Masheleh stated the recent installation will be taken down and that he did not authorize the installation.

Newton McCoy asked if the sign will be an electronic programmable message board and Mr. Masheleh responded yes and if they understood the limitations of how the sign can operate. Mr. Masheleh said the sign will advertise the businesses and sales during regular business hours, but during down hours the sign will show time/temperature or safety warnings such as don’t drink and drive.

Mr. McCoy read the ordinance Section 400.850.D relating the manner in which the commercial electronic message board sign are allowed to operate.

There were no comments from the Commission.

There were no comments from the audience.

Ken Crowder made a motion to approve the conditional use permit as presented and discussed. Les Dills seconded the motion. Motion carried.

NEW BUSINESS/OLD BUSINESS:

None.

ADJOURNMENT:

Ken Crowder made a motion to adjourn. Les Dills seconded the motion. Motion carried.

Respectfully submitted,

Beth Ruckman, Chairwoman
Planning and Zoning