



PLANNING & ZONING COMMISSION

MEETING DATE: JULY 27, 2021
LOCATION: COUNCIL CHAMBERS 9119 LACKLAND ROAD OVERLAND MO 63114
CALL TO ORDER: 6:00 PM
ADJOURNMENT: 6:26 PM
NEXT P&Z MEETING: TUESDAY, AUGUST 31, 2021 @ 6:00PM
COUNCIL MEETING: MONDAY, AUGUST 9, 2021 @ 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 KEN OWENSBY	X	
KEN CROWDER	X	
LES DILLS	X	
LESLIE FERGUSON	X	
KADI SANDERS, COMMUNITY DEVELOPMENT	X	
RENEE CROWELL	X	

PLEDGE OF ALLEGIANCE

REMEMBRANCE OF SERVICE MEMBERS

APPROVAL OF MINUTES:

Councilman Ken Owensby made a motion to approve the minutes as presented from the June 29, 2021, Planning and Zoning meeting. Les Dills seconded the motion. Motion carried.

PUBLIC HEARING:

Chairwoman Ruckman explained the Planning & Zoning Commission is an advisory board. All approvals are granted by the City Council. She 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.

9536, 9538, and 9542 MIDLAND BLVD – A LOT SUBDIVISION & TWO (2) LOT CONSOLIDATIONS

Myra Barajas addressed the Commission on behalf of property owner F and S Investments and Harry Chamberlain to request approval of a lot subdivision and two lot consolidations.

Kadi Sanders, Director of Community Development explained 9538 Midland Blvd is a vacant lot owned by Mr. Chamberlain. Mr. Chamberlain is proposing to divide and sell a portion of 9538 Midland to the property owners of 9542 Midland Blvd. Both property owners are then proposing to consolidate each

divided portion with their existing respective lots, 9536 Midland and 9542 Midland. Therefore, they are not creating an unbuildable lot by subdividing 9538. The property owner of 9542 Midland has had an ongoing flooding issue on their property and the purchase of this portion of 9538 Midland will allow them to extra land to remedy the issue.

Special Counsel, Newton McCoy stated this permits an adequate piece of ground in order to serve the same function as a maintenance easement to allow the work to be performed without encroaching on the neighboring property.

There were no comments from the audience.

Ken Crowder made a motion to recommend approval of the subdivision of the lot at 9538 Midland Boulevard as presented. Jim Wade seconded the motion. Motion carried.

Les Dills made a motion to recommend approval of the consolidation of the lot proposed 9536 Midland Boulevard as presented. William Hardrick seconded the motion. Motion carried.

Jim Wade made a motion to recommend approval of the consolidation of the lot proposed at 9542 Midland Boulevard as presented. Leslie Ferguson seconded the motion. Motion carried.

Mark Giroux made a motion to recommend to the City Council the plat submitted which reflects the adjustments proposed be permissible to record with St. Louis County Recorder of Deeds. William Hardrick seconded the motion. Motion carried.

2155 WOODSON RD SOUTH – UPSCALE RESALE STL – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Sirvonue Neal addressed the Commission to request approval of the site plan and a conditional use permit to operate a secondhand merchandise store.

There was discussion regarding days and hours of operation, number of employees, outside storage limited to the fenced area on the property, there will be no company owned vehicles kept on site overnight, and donations are received by appointment only.

Kadi Sanders, Director of Community Development, asked the applicant if they intend to leave the outdoor patio furniture outside overnight or if they will be bringing into the building each evening and Ms. Neal responded she would like to leave it out overnight.

Leslie Ferguson explained the fenced area where Ms. Neal intends to display/store the patio furniture is screened also and Ms. Neal concurred.

There was discussion about drop box donation boxes and Ms. Neal stated she will not have a drop box donation box; donations will be by appointment only.

There were no comments from the audience.

Les Dills made a motion to recommend approval of the conditional use permit with stipulations as discussed and presented. William Hardrick seconded the motion. Motion carried.

Ken Crowder made a motion to recommend approval of the site plan contingent upon variance approval. Mark Giroux seconded the motion. Motion carried.

2905 WOODSON RD – GERLING & SONS INCORPORATED – AMENDMENT OF CUP/SITE PLAN APPROVAL

Keith Gerling the business and property owner addressed the Commission seek approval of an amendment of the existing site plan and conditional use permit to extend the asphalt parking area and allow outside storage.

Kadi Sanders, Director of Community Development explained to the Commission this is an application to amend the existing Conditional Use Permit and Site Plan to allow an extension of the asphalt parking area behind the building and to allow for outside storage of equipment being worked on in the asphalted area. Ms. Sanders explained allowing the extension of the parking area does reduce some of the green space on the lot; however it does not eliminate the buffer strip. Further, it was suggested slats be added to the fenced storage area and Mr. Gerling stated he has added black screening already for privacy.

There was discussion regarding days and hours of operation and parking on unpaved surface are prohibited.

There were no comments from the audience.

Ken Crowder made a motion to recommend approval to amend the existing conditional use permit with stipulations as discussed and presented. Councilman Ken Owensby seconded the motion. Motion carried.

William Hardrick made a motion to recommend approval of the site plan as presented. Leslie Ferguson seconded the motion. Motion carried.

1824 BROWN RD – ARCH TABLE TENNIS CLUB – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Nik Terzic, business owner addressed the Commission to request approval of the site plan and conditional use permit to operate a table tennis club.

Kadi Sanders, Director of Community Development explained the applicant does not intend to sell alcoholic beverages from this location which makes this land use a good fit for the location with a low impact on the neighborhood. They have applied to the Board of Adjustment for four variances as the site itself has a very small footprint and cannot meet the current zoning code requirements.

There was discussion on whether or not they intend to hold table tennis tournaments, hours and days of operation, no company vehicles will be left on site overnight, and outside storage will be prohibited.

Mr. Terzic expressed to the Commission this club does not have a tendency to generate a large amount of trash and they have no need for a dumpster rather a regular trash bin is all that is needed. Kadi Sanders added that she and Mr. Terzic had already addressed this previously, that they would be required to store the trash bin inside the building, bring it out for trash collection, and bring it back into the building after the trash has been collected.

There was discussion regarding parking on the site and backing into the roadway and Special Counsel, Newton McCoy, asked the applicant to clarify which of the two (2) options presented on the site plan is the one for consideration. Kadi Sanders replied stating option (1) as it is best suited for the site which alleviates backing into the roadway. Mr. Terzic said he recently came up with a third option which he had with him, however the Director had not been provided this option prior to the meeting, thus the Commission had not had an opportunity to review option three (3) either.

Mayor Mike Schneider asked if the Commission could give the Director of Community Development the authority to review and approve the site plan once option three (3) was submitted for review and Special Counsel, Newton McCoy stated the Commission would need to make a recommendation to that effect.

Councilman Ken Owensby made a motion to recommend approval of the conditional use permit with stipulations as presented/discussed. Leslie Ferguson seconded the motion. Motion carried.

Councilman Ken Owensby made a motion to recommend approval of the site plan contingent upon staff review and approval and contingent upon variance approval. Leslie Ferguson seconded the motion. Motion carried.

1612 FAIRVIEW AVE – URGENT SURGERY SOLUTIONS – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Steve Ruff addressed the Commission to request approval of the site plan and a conditional use permit to operate an office/warehouse specializing in the distribution of PPE and medical supplies.

Kadi Sanders, Director of Community Development, stated she had worked with the plan designers at Vance Engineering regarding one issue related to a parking stall and it has been corrected. There is no other issue with the site.

There was discussion regarding days and hours of operation, number of employees, outside storage is prohibited, there will be no company owned vehicles kept on site overnight.

There were no comments from Special Counsel.

There were no comments from the Commission.

There were no comments from the audience.

Jim Wade made a motion to recommend approval of the conditional use permit with stipulations as discussed and presented. William Hardrick seconded the motion. Motion carried.

Ken Crowder made a motion to recommend approval of the site plan as presented. Mark Giroux seconded the motion. Motion carried.

10422 LACKLAND RD – MULTIPLE UNRELATED BUSINESSES – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Lori McKinney-Johnson of Unforgettable Image Boutique and Jaylah Johnson of Angelic Eyes Beauty Enhancements addressed the Commission to request approval of the site plan and a conditional use permit to operate multiple unrelated businesses within the same location.

Kadi Sanders, Director of Community Development, explained to the Commission the applications presented are required due to there being multiple unrelated businesses in one location. There are currently two (2) home health care business offices operating from this location. The proposed applications for a retail boutique and a commercial service salon would allow four (4) businesses total at this location. Due to the fact the businesses are all owned and operated by the same people it reduces

chance for conflict. However, the site plan submitted by the property owner is lacking pertinent detail as required by code and as outlined in the staff report. Also enclosed in the packet you will note the photos that emphasize the lighting on the site which was also not included in the site plan as required. It appears there has been new lighting installed however the Commission has not been provided detail in this regard.

Special Counsel, Newton McCoy echoed the concern of the Director regarding the lighting and the site plan does not meet the necessary requirements. The site plan requirements are not superfluous it is what is used to do measurements, calculate parking, and determine compliance with the performance standards. It could be said we know that the setbacks and so forth are okay but from our perspective we cannot recommend approval of a site plan when it so far departs from what the requirements are and in our capacity we cannot recommend approval of the conditional use permit unless you approve the site plan. It certainly isn't the applicants fault; however we would've liked the property owner to be here to have the opportunity to discuss the lighting.

Kadi Sanders expressed concern that the site plan does not indicate the multiple units in the building and makes it impossible to do a parking calculation.

Newton McCoy, Special Counsel explained the details of the site plan are what allow for review to determine compliance with the performance standards for the zoning district.

Kadi Sanders, Director of Community Development noted that Mr. Stiffleman, the property owner, was before the Commission in March of 2021 which he was already extended latitude at that time for the site plan presented and ensured the Commission at that time he had a plan designer preparing an updated site plan for future use.

Mark Giroux asked if there had been correspondence with the property owner and Kadi Sanders responded to the affirmative directing the Commission to their packet which includes an email from the City Administrator to the property owner outlining the site plan data required.

Chairwoman Ruckman expressed her concern that the applicants were present this evening and that the process wasn't stopped before it came to us. It does hold weight and not that Mr. Stiffleman should be given a pass on his obligation as she understands Mr. McConachie corresponded with the property owner. Yet the site plan was still presented. It would appear this is not a hardline issue and we have applicants here trying to open their business.

Special Counsel, Newton McCoy, in response stated it may resolve policy wise, the future would have to be then that the flexibility the Community Development has shown applicants in the past where at the time of application they submit the site plan and then supplied any deficiencies in between the application submittal and the meeting, that procedure would have to end. Nothing would go on an agenda unless the site plan was right. That is where you're going. Kadi Sanders agreed.

Ken Crowder asked if there was some type of contingency that could be granted and Special Counsel responded that based on past performance of the property owner you couldn't rely on him to supply a contingency he will simply say thank you very much.

William Hardrick asked the Commission if tabling the applications should be considered.

There was discussion among the Commission, staff, and Special Counsel regarding how to move forward.

Jaylah Johnson asked the Commission what they needed to do and Kadi Sanders stated either herself or the City Administrator would contact the property owner tomorrow to provide the results of this evenings meeting. Once the updated site plan has been provided you will be put on the next available agenda and I will keep in contact with both of you.

William Hardrick made a motion to postpone the applications presented for 10422 Lackland Road multiple unrelated uses. Leslie Ferguson seconded the motion. Motion carried.

Kadi Sanders, Director of Community Development, asked the applicant if they intend to leave the outdoor patio furniture outside overnight or if they will be bringing into the building each evening and Ms. Neal responded she would like to leave it out overnight.

Leslie Ferguson explained the fenced area where Ms. Neal intends to display/store the patio furniture is screened also and Ms. Neal concurred.

There was discussion about drop box donation boxes and Ms. Neal stated she will not have a drop box donation box; donations will be by appointment only.

There were no comments from the audience.

Les Dills made a motion to recommend approval of the conditional use permit with stipulations as discussed and presented. William Hardrick seconded the motion. Motion carried.

Ken Crowder made a motion to recommend approval of the site plan contingent upon variance approval. Mark Giroux seconded the motion. Motion carried.

1623 LOTSIE BLVD – RLS (USA) INC – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Pete Mallady addressed the Commission to request approval of the site plan and a conditional use permit to operate a nuclear pharmacy. This is a change of ownership.

There was discussion regarding days and hours of operation, number of employees, outside storage is prohibited, and there will be six vehicles on kept on site overnight.

Kadi Sanders, Director of Community Development, reiterated this is an acquisition of an existing business, as noted in the staff report. There is no change to the operation of the business. This is located in an industrial area so operating at a twenty-four hour capacity is a non-issue. The site has been reviewed in the past and I found no site issues.

Special Counsel, Newton McCoy, verified that RLS is the entity that received the license from the nuclear regulatory commission and Mr. Mallady responded yes.

Kadi Sander, Director of Community Development, stated due to the nature of this business working with radioactive materials they are heavily regulated as Mr. McCoy has pointed out. I will include language in the conditional use permit to the effect.

There were no comments from the audience.

Councilman Ken Owensby made a motion to recommend approval of the conditional use permit with stipulations as discussed and presented. Mark Giroux seconded the motion. Motion carried.

Councilman Ken Owensby made a motion to recommend approval of the site plan as presented. Mark Giroux seconded the motion. Motion carried.

RESOLUTION OF INTENTION – ZONING CODE AMENDMENT – Barber & Beauty Shops, Spas, & Temp Uses

Kadi Sanders, Community Development, explained to the Commission the amendment is to include Commercial Services related to barber shop, beauty shops, and spa type business as a permitted use in the “C-2” General Commercial zoning district. Currently, these types of uses are permitted in “C-1” Neighborhood Commercial, but require a Conditional Use Permit and Site Plan Review if they are

located in the “C-2” district. Historically, the Planning and Zoning Commission have approved the CUP and Site Plans for these types of businesses with no extenuating conditions placed on the business.

Special Counsel, Newton McCoy explained the second point of the Resolution regarding Temporary Uses. It is essentially tightening regulation in regard to Portable Storage Units and Dumpsters. It allows the city to be involved in placement and permit the length of time they are allowed on a property. What is before you tonight is whether or not you want to recommend these changes to the code to the City Council.

Leslie Ferguson asked about the definition of beauty shops, barber shops, and spas.

Ken Crowder made a motion to approve the zoning map amendment with stipulations as presented and discussed. Les Dills seconded the motion. Motion carried.

NEW BUSINESS/OLD BUSINESS:

William Hardrick stated the city has been doing a great job cleaning up after the storms from earlier in the month.

There was a brief discussion regarding upcoming and current construction projects.

Chairwoman Beth Ruckman thanked Kirby Barnard for his 35 years of service to the City of Overland.

ADJOURNMENT:

Councilman Ken Owensby made a motion to adjourn. William Hardrick seconded the motion. Motion carried.

Respectfully submitted,

Beth Ruckman, Chairwoman
Planning and Zoning