



## PLANNING & ZONING COMMISSION

**MEETING DATE:** MARCH 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, APRIL 25, 2023 @ 6:00PM  
**COUNCIL MEETING:** MONDAY, APRIL 10, 2023 @ 6:00PM

### ROLL CALL

NAME:	PRESENT:	ABSENT:
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 February 28, 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.

### 10440 PAGE AVE – OVERLAND WINGS LLC DBA TOUCHDOWN WINGS – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Rong Chen, owner of Overland Wings LLC, address the Commission to request approval of a conditional use permit and site plan, to operate a new business. The new business is a restaurant with dine-in, carry-out, and delivery services available. The restaurant is located in the former Chef Ma's building on Page Ave near Ashby 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 a restaurant located on Page Avenue in the former Chef Ma's building. She further explained the site plan conformed to the current city zoning code and the property was recently renovated fully for the previous business. Ms. Sanders explained to the Commission the applicant had not submitted a floor or seating plan for the interior of the business, but did mention based on the previous approved business, the applicant would not be able to expand or add any additional seating. 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, but does conform to the goals and objectives of the comprehension plan.

There was a brief discussion regarding days and hours of operation, number of employees, and normal day to day operations.

There were no comments from the audience

There were no comments from legal counsel.

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

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

9136-9144 OVERLAND PLAZA – KHP OVERLAND PLAZA LLC DBA K-POT BBQ – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Bill Applebaum, on behalf of Overland Plaza 2020 LLC, address the Commission to request approval of a conditional use permit and site plan, to operate a new business. The new business is dine-in restaurant exceeding one hundred seats inside the Overland Plaza Re-Development Project.

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 restaurant to be newly constructed within the Overland Plaza redevelopment project. She explained the restaurant was seeking the approvals because the restaurant exceeded one hundred seats and with the preliminary plan it required a Conditional Use Permit and Site Plan Approval. Ms. Sanders explained the restaurant would be a new constructed building and located where the former E-Clips once stood, but has since been razed.

There was a brief discussion about the construction project itself, and projected opening of the business, along with day to day operations of the business.

There were no comments from the audience.

There were no comments from legal counsel.

Mark Giroux made a motion to recommend approval of the conditional use permit with stipulations as discussed. Councilwoman Beth Ruckman 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.

9825 MEEKS BOULEVARD – MISSOURI BUILDERS SERVICE INC. – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Tom Caspari, owner of Missouri Builders Service Inc., addressed the Commission to request approval of a conditional use permit and site plan, to operate a new business. The new business is construction contractor and located in the former K Meier Roof Systems building.

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 construction contractor business. She explained the location of the business was formerly a construction contractor in the past. Ms. Sanders explained the site had been previously approved with the previous property owners.

There was a brief discussion in regards to fencing along the front of the property, days of operation, and normal business operations.

There was a brief discussion about the applicant submitting a revised site plan to indicate parking on site.

There were no comments from the audience.

There were no comments from legal counsel.

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

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

2524 WOODSON ROAD – YOU ACTIVE I'M ACTIVE – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Cassandra Jackson, owner of You Active I'm Active, addressed the Commission to request approval of a conditional use permit and site plan, to operate a new business. The new business is a Health & Fitness Center located on Woodson Road next to Overland Hardware.

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 a health and fitness center located next door to Overland Hardware in the downtown area of the City. Ms. Sanders explained to the Commission the land use was appropriate for the area and property.

There was a discussion involving parking regulations for the downtown area and in correlation to the property and the expired moratorium. The discussion also included the site and the zoning code 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. Ken Crowder 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.

9594 PAGE AVENUE – OCG MISSOURI HOLDINGS – ZONING MAP AMENDMENT “PD-C” TO “R3”

Lisa Gallagher, on behalf of OCG Missouri Holdings, addressed the Commission to request approval of a zoning map amendment of the property from “PD-C” Planned Development Commercial to “R3” Single Family Residential.

Ms. Kadi Sanders, Director of Community Development, explained to the Commission the applicant was here this evening requesting approval for a zoning map amendment for the subject property from “PD-C” to “R3” to utilize as a residential home. Ms. Sanders explained in the past the property was utilized as a single family dwelling, but lost its non-conformity when the property went vacant for more than 180 days. Ms. Sanders further expressed the zoning map amendment did not comply with the goals and objective set forth in the City’s Comprehensive Plan, and should remain commercial property. She further explained site deficiencies were found during the site plan review of the property based on the regulations and performance standards of the “R3” Single Family Residential zoning code. She mentioned the applicant has already applied and is scheduled to be heard by the Board of Adjustment in May 2023, seeking variance approvals.

There was brief discussion in regards to the owner’s intention of the property and the variances required for the site to conform to the zoning code.

There were no comments from the audience.

Special Counsel Joseph Bond expressed to the Commission recently we have had several of these similar zoning map amendments in recent past, and although this zoning map amendment does not conform to the comprehensive plan, it is a similar use as the other previously approved zoning map amendments in this area.

Mark Giroux made a motion to recommend approval of the zoning map amendment contingent upon variance approval and with stipulations as discussed. Leslie Ferguson seconded the motion. Motion Carried.

10220 BACH BOULEVARD – DRYCORE RESTORATIONS INC. – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

William Meehan, on behalf of Drycore Restorations Inc. and the property owner, addressed the Commission to request approval of a conditional use permit and site plan approval to operate a construction contractor office.

Ms. Kadi Sanders, Director of Community Development, explained to the Commission the applicant was requesting a conditional use permit and site plan approval for a construction contractor office. She further explained the land use was appropriate for the site. She explained in the past there has been some code compliance issues with the property but recently the property owner has made efforts to come into compliance.

There was a brief discussion in regards to variances already on file for the property and day to day operations with the business including a discussion about parking concerns with the business and the allotted parking on site.

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. seconded the motion. Motion Carried.

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

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

Brittany Wyatt on behalf of Forward Collision, 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 Pop's Auto Repair and owned by Mike Moruzzi.

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 Lackland Road and Wallis Avenue. She explained this property was designed built for the intention of being an automotive repair facility and has continually been used for such land use. She expressed due to the variances on file for the property, the site is considered in compliance with the current zoning code. Ms. Sanders did explain it would be required during occupancy but requested the applicant install an ADA parking compliance stall and the site landscaping be refreshed and maintained.

There was a brief discussion in regards to the daily operations of the business and repairing some of the slates in the fence separating residential lots from the property.

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. Ken Crowder seconded the motion. Motion Carried.

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

**NEW BUSINESS/OLD BUSINESS:**

Ms. Kadi Sanders informed the Commission about the administrative review of 1525 Woodson Road being conducted with their construction addition.

Councilwoman Beth Ruckman mentioned the City parade upcoming on May 20, 2023.

**ADJOURNMENT:**

Ken Crowder made a motion to adjourn. Mark Giroux seconded the motion. Motion carried.

Respectfully submitted,

William Hardrick, Chairman  
Planning and Zoning