



## PLANNING & ZONING COMMISSION

**MEETING DATE:** APRIL 25, 2023  
**LOCATION:** COUNCIL CHAMBERS, 9119 LACKLAND ROAD, OVERLAND, MO 63114  
**CALL TO ORDER:** 6:00 PM  
**ADJOURNMENT:** 7:30 PM  
**NEXT P&Z MEETING:** TUESDAY, MAY 30, 2023 @ 6:00PM  
**COUNCIL MEETING:** MONDAY, MAY 8, 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:

Mayor Little made a motion to approve the minutes as presented from the March 28, 2023, Planning and Zoning meeting. Mark Giroux seconded the motion. Jim Wade abstained from voting. 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.

### 10208 PAGE AVE – PAGE RETAIL LLC DBA A1 CHEAPO DEPOT – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Vipul Bhagat, owner of Page Retail 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 alcohol sales only.

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 alcohol sales only. She expressed the location was previously a convenience store with alcohol sales and food sales. Ms. Sanders explained the use this time is the same as previously approved and was undergoing a change of ownership and no longer would be selling any food from the location.

There was a brief discussion regarding days and hours of operation, number of employees, and normal day to day operations, and how the applicant was aware tobacco sales would be prohibited from this site.

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. Mayor Little seconded the motion. Motion Carried.

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

1525 WOODSON ROAD – DALLAS TRAILER REPAIR CO. INC. – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

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

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

2549 WOODSON ROAD – UPTOWN HOOKAH LOUNGE LLC – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Maurice Jackson, owner of Uptown Hookah Lounge 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 restaurant with dine-in seating and with alcohol sales. The business would be located at the former Dixon BBQ location along Woodson Road in the downtown area of the city.

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 restaurant with dine-in and alcohol sales at the property. She further explained the business was the former location of Dixon BBQ, She expressed to the Commission the applicant indicated hookah was originally intended to be sold at the location but however based on St. Louis County restrictions it prohibits the sales of any tobacco products due to the location of school properties. She further explained the applicant was aware that tobacco sales and hookah sales were prohibited.

There was a brief discussion in regards to day to day operations of the business, and the removing of the “Hookah” from the business name.

There were no comments from the audience.

There were no comments from legal counsel.

Jim Wade 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. Mayor Little seconded the motion. Motion Carried.

10310 PAGE AVENUE – COFFEE AND DELI SHOP – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Ziyad Ali, owner of Coffee and Deli Shop, addressed 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 and outside seating.

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 restaurant with dine-in and outside seating. She further explained the location would be suitable for such a land use, and would be a high intensity use, but previously the property was utilized years ago as a MVOB and would not be any more high intensity than that land use. Ms. Sanders expressed to the Commission the applicant indicated there would be some small tables outside for diners, but was supported by the parking on site. She did inform the Commission the applicant would be required to install an ADA Compliant parking stall at the property.

There was a brief discussion in regards to day to day operations of the business, days and hours, and number of employees.

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. Jim Wade 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.

10490 CANTER WAY – MONDAY PROPERTIES LLC – ZONING MAP AMENDMENT “R3” TO “R6”

Brian Monday, owner of Monday Properties LLC, addressed the Commission to request approval of a zoning map amendment of the property from “R3” Single Family Residential to “R6” Condominium.

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 “R3”

Single Family Residential to “R6” Condominium to utilize the property for new construction. Ms. Sanders explained in the past the property was utilized for a single family residential which had been demolished years ago. Ms. Sanders further expressed to the Commission although nothing has been officially submitted it was the city understands the applicant was intending to construct a new set of condominiums on the property and was the reasoning for the request of the zoning map amendment.

There was discussion in regards to the owner’s intention of the property and construction of the new houses. The furthering of the discussion included items such as direction of the houses, location, and other construction the applicant has performed in the City of Overland.

Matthew Scott of 10483 Canter Way opposed the zoning map amendment.

Becky Lee of 10476 Canter Way opposed the zoning map amendment.

Danjen Smiljanic of 10470 Canter Way opposed the zoning map amendment.

Zach Buxman of 10472 Canter Way opposed the zoning map amendment.

Brandon Dwellingham of 2423 Spencer Ave was in favor of land developments.

Special Counsel Joseph Bond expressed to the Commission the applicant’s intention or proposed construction would require a conditional use and would have to be evaluated by the Commission in the future prior to construction and or permits being approved.

Mark Giroux made a motion to recommend approval of the zoning map amendment with stipulations as discussed. Jim Wade seconded the motion. Motion Carried.

*2419-2423 SPENCER AVENUE – BRANDON DWELLINGHAM – LOT CONSOLIDATION*

Brandon Dwellingham, the property owner of both 2419 and 2423 Spencer Avenue, addressed the Commission to request approval of a lot consolidation of the two properties into one property and identified as 2423 Spencer Avenue.

Ms. Kadi Sanders, Director of Community Development, explained to the Commission the applicant was requesting a lot consolidation approval for the two referenced properties and if approved as indicated on the applicant’s site plan would be further defined and identified as 2423 Spencer Avenue. She further expressed to the Commission the lot consolidation would not cause any deviations from the zoning code nor create any non-conformities.

There was a brief discussion in regards to further construction on the properties and the applicant’s intention of a new garage being constructed on the property, and submitting the Mylar and how to record it officially with St. Louis County.

There were no comments from the audience.

There were no comments from legal counsel.

Jim Wade made a motion to recommend approval of the Lot Consolidation with stipulations as discussed. Mark Giroux seconded the motion. Motion Carried.

SECTION 400.335 CLOTHING DROP BOXES – RESOLUTION OF INTENTION

Special Counsel Joseph Bond expressed to the Commission the Resolution of Intention of Section 400.325 specifically the Clothing Drop Boxes.

There was discussion in regards to the new requirements and the new additions of the code section of such items in the municipal code, and how it affected the city in its entirety.

There were no comments from the audience.

Jim Wade made a motion to recommend approval of the resolution of intention with stipulations as discussed. Mark Giroux seconded the motion. Motion Carried.

CHAPTER 420 TREE PRESERVATION AND RESTORATION – RESOLUTION OF INTENTION

Special Counsel Joseph Bond expressed to the Commission the Resolution of Intention of Chapter 420 specifically the code of tree preservation and restoration.

There was discussion in regards to the new requirements and the new additions of the code section of such items in the municipal code, and how it affected the city in its entirety.

There were no comments from the audience.

Mark Giroux made a motion to recommend approval of the resolution of intention with stipulations as discussed. Jim Wade seconded the motion. Motion Carried.

**NEW BUSINESS/OLD BUSINESS:**

Mark Giroux brought and passed out a proposed revision to the wording to be included in the beginning of the meeting to help applicants understand the requirements of approvals of Conditional Uses and Site Plans.

Mayor Little announced as of four days ago, Planning & Zoning Coordinator James Osborne, celebrated his wedding.

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

**ADJOURNMENT:**

Councilwoman Beth Ruckman made a motion to adjourn. Jim Wade seconded the motion. Motion carried.

Respectfully submitted,

William Hardrick, Chairman  
Planning and Zoning