



PLANNING & ZONING COMMISSION

MEETING DATE: SEPTEMBER 26, 2023
LOCATION: COUNCIL CHAMBERS, 9119 LACKLAND ROAD, OVERLAND, MO 63114
CALL TO ORDER: 6:00 PM
ADJOURNMENT: 6:33 PM
NEXT P&Z MEETING: TUESDAY, OCTOBER 24, 2023 @ 6:00PM
COUNCIL MEETING: MONDAY, OCTOBER 23, 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	
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 August 29, 2023, Planning and Zoning meeting. Councilwoman Beth Ruckman 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.

10345 PAGE AVENUE – GET PLUGGED LLC – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Ralph Torres, owner of Get Plugged LLC, addressed the Commission to request approval of a conditional use permit and site plan to operate a new tobacco retail store from the property.

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 to operate a new retail store, focusing primarily on tobacco sales. Ms. Sanders further explained the use conformed to the current zoning code with previously approved variances and staff would support such land use at this parcel. Ms. Sanders expressed to the site plan did not include ten stacking parking spots required, if the applicant intended to utilize the drive-thru window.

There was a brief discussion regarding the general operations of the business such as days and hours of operation, and if the applicant intended to utilize the drive-thru window.

The Commission advised if the applicant intended to utilize the drive-thru window, an updated revised site plan indicating the ten stacking parking spots would be required to be submitted and city staff could review it and approve it administratively.

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. Leslie Ferguson seconded the motion. Motion Carried

Steve Olsen made a motion to recommend approval of the site plan with stipulations as discussed. Leslie Ferguson seconded the motion. Motion Carried.

9571 PAGE AVENUE – THE 9571 PAGE AVENUE REVOCABLE TRUST – ZONING MAP AMENDMENT “PD-C” TO “R3”

Hans Moscicke, on behalf of The 9571 Page Avenue Revocable Trust, 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 originally constructed in 1947 and 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 of Overland’s Master 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 October 2023, seeking variance approvals and requested if a recommendation for approval was voted this evening, it be contingent upon variance approval.

There was brief discussion in regards to the owner’s intention of the property, and the properties along this section of Page Avenue and losing the continuing non-conformity.

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.

Councilwoman Beth Ruckman made a motion to recommend approval of the zoning map amendment contingent upon variance approval and with stipulations as discussed. Steven Olsen seconded the motion. Motion Carried.

10094 PAGE AVENUE – MAD CHICKEN II LLC DBA O! WING PLUS – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Wentao Xia, owner of Mad Chicken ii LLC dba O! Wing Plus, addressed the Commission to request approval of a conditional use permit and site plan to operate a new dine-in and carry-out restaurant from the location.

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 to operate a new restaurant with carry-out and dine-in. Ms. Sanders further explained this was strictly a change of ownership and the use conformed to the current zoning code with previously approved variances and supports such land use at this parcel.

There was a brief discussion regarding the general operations of the business such as days and hours of operation, and there was no difference between the previous approved Conditional Use Permit and the current applicant.

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. Leslie Ferguson seconded the motion. Motion Carried

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

UNFINISHED BUSINESS:

There was none.

NEW BUSINESS:

Mr. Crowder discussed the OBA BBQ fundraiser and the results, which was held at the farmers market, September 12th, 2023, and thanked the individuals whom assisted with the fundraiser.

ADJOURNMENT:

Leslie Ferguson made a motion to adjourn. Mayor Little seconded the motion. Motion carried.

Respectfully submitted,

William Hardrick, Chairman
Planning and Zoning