



**MINUTES OF THE
PLANNING AND ZONING COMMISSION MEETING
300 PARK DR ♦ BALLWIN MO 63011
MAY 7, 2018**

The meeting was called to order by Chairman Weaver at 7:01 p.m. Members in attendance were:

PRESENT

Chairman Mark Weaver
Secretary Lisa Zimmerman
Commissioner Tracy Bolte
Commissioner Lynn Goetz
Commissioner Olivia Pieknik
Commissioner Vern Young
Alderman Ray Kerlagon
Mayor Tim Pogue

City Administrator Eric Hanson
City Engineer Gary Kramer
City Attorney Robert E. Jones

ABSENT

Commissioner Chad Silker
Commissioner Mike Utt

Approval of Minutes

A motion was made by Mayor Pogue and seconded by Commissioner Bolte to approve the minutes of the April 2, 2018 meeting of the Planning & Zoning Commission as submitted. The motion received unanimous approval from the Commission members present.

Z18-03 – Simple Lot Split

15225 & 15233 Manchester Rd

Petitioner: Mr. Allen Vogel, 6 Deerfield Ridge Rd, Wildwood MO 63005

Mr. David Vogel addressed the Commission, requesting approval for the lot split.

Mayor Pogue asked for the reason for the lot split. Mr. Vogel said that the petitioner has two different businesses on the property. He has been approached by buyers wishing to purchase one of the businesses, but was unwilling to do so since it was all on one property. There are no plans to sell either of the businesses at this time.

Chairman Weaver opened the public hearing and asked if anyone wished to speak in favor of Petition Z 18-03. No one came forward. Chairman Weaver asked if anyone wished to speak in opposition to the petition. No one came forward and Chairman Weaver closed the public hearing.

Chairman Weaver made a motion to recommend approval of Petition Z 18-03 to the Board of Aldermen. Mayor Pogue seconded the motion, which received unanimous approval from the Commission members present.

Z18-04 – Special Use Exception

ELCO Chevrolet Cadillac Inc, 112 Old Ballwin Rd

Petitioner: Mr. Mark Hadfield, ELCO Chevrolet Cadillac Inc, 15110 Manchester Rd, Ballwin MO 63011

Mr. Tim Elli addressed the Commission, requesting approval for the special use exception. He stated that the previously approved Special Use Exception was for a service center. ELCO subsequently decided to break up the project into two phases, beginning with the site improvements, and adding the service center at a later date. The other change is having above-ground detention, rather than underground. Commissioner Bolte asked if the detention would be a raingarden or a standard basin. Mr. Elli said that it will be built to MSD specifications and will include plantings.

Mayor Pogue stated that he has concerns with the proposal. He does not like the idea of a parking lot across the street from single-family residences. It will not fit into the neighborhood, and he feels that this is bad planning and is not good for the City. Mr. Pogue read the code section that the Planning & Zoning Commission follows when considering a special use exception. He feels there are multiple factors that do not conform to the standards and regulations. Mr. Pogue said that he cannot support the proposal.

Secretary Zimmerman asked Mr. Elli about the timetable for building the service center if the petition is recommended for approval. Mr. Elli said that he has not been given a timeline. He said the reason for breaking up the project and submitting this petition is to move the project forward more quickly before the special use exception expires. It is his understanding that a parking lot is a permitted use in the C-1 Commercial District. Mayor Pogue said it is not an allowed use without a special use exception permit.

Mr. Elli said that in his conversation with city staff, he was led to believe that was not the case. City Attorney Jones said that it's not a permitted use; it is a special use. Mr. Elli said that in prior conversations with staff, it was said that if ELCO replatted to make the two lots all one parcel, in that circumstance, it would be permitted. Mayor Pogue said in that case, the petition would have to be submitted under the Manchester Road Overlay District, which has an entirely different set of criteria.

Commissioner Pieknik asked if this petition is approved, would ELCO continue to park on the former PetCo lot. Mr. Elli said that this petition is intended to allow those cars to be parked on the proposed lot, until the building is constructed. Commissioner Pieknik confirmed that Mr. Elli did not know when the building would be built. Mr. Elli said that is correct.

Mayor Pogue stated that the cars that are parked next to McDonald's as well as on the former Ballwin Nursery lot are parked there illegally. He requested that Mr. Elli speak to the petitioner and develop a plan to remove the illegally parked cars. Mayor Pogue also noted that the timeline for building the service center could be 10 years, 20 years, or it might not be built at all.

Commissioner Goetz asked if the parcels were combined into one lot, would the petitioner be able to move forward with this plan? Mayor Pogue said they could, but it would have to comply with the Manchester Road Overlay District, which the proposed plan does not. City Attorney Jones as proposed, the parking lot is not an allowed accessory use, because there is no primary use (building) proposed.

Mr. Elli said that it would have been helpful to have had this information prior to the meeting. City Attorney Jones said the staff only looks at the petition as it relates to ordinance. Whether it is good planning from a zoning standpoint is up to the Planning & Zoning Commission

City Administrator Hanson said he feels that the concern is credibility. The information provided in terms of the intent for the use of this property has changed multiple times since the SUE was agreed to almost a year ago. The petitioner has had ownership of the property across Old Ballwin Rd since October of 2017 and has remained noncompliant, other vehicles on this property. Mr. Hanson said that he doesn't feel that inconsistent information was given and requests that the petitioner come forward with a plan that they intend to carry out.

Mr. Elli said that the petitioner does plan to carry out the proposed parking lot. City Administrator Hanson said that with all due respect, he disagrees. City staff was told the petitioner wanted to move forward expeditiously with the last plan. Mr. Hanson feels there is a real credibility issue.

Chairman Weaver opened the public hearing and asked if anyone wished to speak in favor of Petition Z 18-04. No one came forward, and Chairman Weaver asked if anyone wished to speak in opposition to the petition.

Mr. Michael Scott, 643 Kehrs Mill Rd, said that his objection to the petition is "commercial creep." He feels the proposed plan is a disservice to the residents of the neighborhood. There are creative ways to handle parking shortages.

Ms. Tiffany Winchell, 201 Old Ballwin Rd, said she lives directly across from the property in question, and it is nothing but an eyesore now. Additionally, the traffic will increase on an already busy road.

No other opponents came forward and Chairman Weaver closed the public hearing.

Mayor Pogue asked Mr. Elli if the petitioner wished to hold over the petition to the next meeting of the Planning & Zoning Commission to consider a new plan, or would the petitioner like the Commission to vote on the plan before them? Mr. Elli said that holding the petition over would be preferable.

Mayor Pogue made a motion to hold over Petition Z 18-04 to the next Planning & Zoning Commission meeting. Chairman Weaver seconded the motion. A voice vote was taken with the following result: Weaver, Zimmerman, Bolte, Pieknik, Young, Kerlagon, and Pogue – Aye; Goetz – Nay. The motion passed 7-1.

Other Business

There will be a meeting in June if the ELCO plans are submitted in time. If not, there are no other agenda items for June.

Adjournment

Commissioner Pieknik made a motion to adjourn the meeting. Secretary Zimmerman seconded the motion, which received unanimous approval from the Commission members present. The meeting was adjourned at 7:31 p.m.

Mark Weaver, Chairman
Planning & Zoning Commission