

**MINUTES**  
**DES PERES PLANNING & ZONING COMMISSION**  
**August 10<sup>th</sup>, 2016**  
**DES PERES GOVERNMENT CENTER**

The regular monthly meeting of the Planning & Zoning Commission was held at the Des Peres Government Center, 12325 Manchester Rd on Wednesday, August 10<sup>th</sup>, 2016. Chairman Oeltjen called the meeting to order at 7:02 PM.

**ROLL CALL**

Staff support took roll with the following Commissioners present: Chairman John Oeltjen, Vice Chair Anna Ahrens, Terrie Gwin, Jim Kennedy, Tony Pawloski, John Gnagi, Mitch Stevens, William Mura, Jane Langa and Jordan Egertson. Also present were Mayor Lahr, Alderman Pound, City Attorney Kevin O'Keefe, Director of Public Works Steve Meyer, Alderman Kleinschmidt and Alderman Gmelich.

**APPROVAL OF MINUTES**

Commissioner Gnagi moved to approve the July 13<sup>th</sup>, 2016 Minutes as presented. Commissioner Stevens seconded the motion. A voice vote was unanimous and the Minutes were approved.

**AMENDMENT OF THE AGENDA**

None.

**OLD BUSINESS**

None.

**NEW BUSINESS**

~~Petition for Site Plan Approval & Master Development Plan – 11781 Manchester~~  
~~Petition for Conditional Use Permit for Starbucks with Drive Thru- 11781 Manchester~~  
~~Petition to Amend the Conditional Use Permit for Reliance Bank- 11781 Manchester~~  
Petitioner: Chiodini Architect

Chairman Oeltjen stated that due to the nature of the applications, Mayor Lahr will give an introduction and background on the requests.

Mayor Lahr stated that in April of 2015 the Board of Aldermen rejected the Conditional Use Permit for Starbucks with a 5-1 vote. The applicant challenged that decision, and ultimately the Court ruled in favor of Reliance Bank, thus requiring the City to issue a Conditional Use Permit.

Mayor Lahr stated that six weeks ago he met with Mr. Brouster, CEO of Reliance Bank, and the plans that have been submitted are a product of that meeting. Mayor Lahr furthered that the new plan addresses the original concerns that were raised by both the Board and the Commission.

Mayor Lahr stated that the City filed an appeal, but currently has placed a stay on that appeal, pending the outcome of the meeting. Mayor Lahr added that the City has spent over \$200,000.00 on this case.

Mr. Chiodini addressed the Commission pointing out the changes that have been made from the original plan. Mr. Chiodini stated that most significant change is the rotation of the drive thru window, and the relocation of the order box, followed by the installation of an 8 foot sight proof fence along the entire northern line, modification to the curb cut on Manchester, redesign of the ATM lane, and two-way access onto Vinetta Dr. Mr. Chiodini added that in addition to the changes to the plan, Starbucks has modified their hours of operation to now close at 10:00 pm on weekdays and 11:00pm on Friday and Saturdays.

Commissioner Gwin asked if the entrance off of Harwood Road was one-way. Mr. Chiodini stated that there will be one lane both in and out.

Commissioner Anna Ahrens asked Mr. Chiodini to walk through the process of the cars cueing at the ATM. Mr. Chiodini stated that a car would travel through the parking lot area to the ATM, and exit back through the same parking lot area. Chairman Oeltjen pointed out you wouldn't be able to make a left from the ATM because the island has been dog-legged.

Commissioner Kennedy stated that he believed that the original plan prohibited left turns onto Manchester Road. Mr. O'Keefe stated that was not a condition on the plan that was sent to the Board.

Commissioner Anna Ahrens asked for clarification on the bus stop. Mr. Chiodini stated that they have created an 8-10ft concrete pad that extends beyond the sidewalk.

Commissioner Langa asked for additional information on the fence. Mr. Chiodini stated that it would be a 8' Simtek sight proof fence, the fence itself would have a stone like appearance, similar to what is at Olympic Oaks.

Commissioner Langa stated that there was only one entrance shown, and asked where the tenants would enter their units. Mr. Chiodini stated that the entrance would be an open lobby concept, where Starbucks would be to your left upon entering and Reliance Bank to your right.

Bob Ashcraft, 1543 Fawnvalley, asked where the fence would stop near Harwood Road. Mr. Meyer stated that the fence would stop 12-16 feet back so it wouldn't interfere with sight distance. Mr. Ashcraft stated that the site should be right in, right out only, due to its close proximity to the Harwood Road entrance.

Mark Pedroley, resident, stated that he read the report from the Special Master and disagrees that the decision by the Board was arbitrary and capricious, and that he believes the case would be won on appeal. He asked how many of the issues raised in the report had been addressed, included the already poor rating of traffic. Mr. Chiodini replied that the issues were all addressed at trial, and that the traffic study performed by CBB showed no significant change to traffic.

Chairman Oeltjen stated that the traffic is considered not to be ideal, but the current traffic was rated at a D or E, and the study showed that the traffic would continue to be rated at a D or E.

Mr. Pedroley stated that the Aldermen already made a decision on this application, and the case should be appealed not compromised.

Ben Sansone, 11709 Claychester, stated that there was a Starbucks across the street at the Dierbergs now.

Richard Striler, 12800 Westledge, stated that the City only allows businesses to be located on Manchester Road, and sees this development as an improvement to an older building. Mr. Striler asked that the city partner with these businesses as they ultimately benefit everyone.

Chris Pelligreen, 13000 Deutschman, asked if there would be a fence surrounding the patio area. Mr. Chiodini stated that there would be a rod iron fence enclosing the patio. Mr. Pelligreen thanked the Mayor for the facts and circumstances presented at the beginning of the meeting. Mr. Pelligreen stated that if you purchase a home close to Manchester you shouldn't be surprised by development. Mr. Pelligreen asked that the City do what's best for its 8000 residents and not focus on just these 100 residents.

Mr. Pedroley stated that the city only paid \$200,000 because the applicant demanded a Special Master review the case and that the appeal would be less money. Mr. Pedroley stated that he wasn't opposed to a Starbucks he was opposed to a high volume drive thru.

Mr. Gunther, CBRE, stated that he is having a difficult time leasing the future tenant space due to the litigation, and that it doesn't send a positive message of Des Peres to prospective business owners.

Mayor Lahr stated that Regions Bank has given the City a verbal ok to allow cross access from the Reliance site, so there would be access to a traffic signal.

Chairman Oeltjen reminded those in attendance that the Commission was a recommending body, and that their recommendation goes to the Board of Aldermen. Chairman Oeltjen asked Mr. Chiodini that at the follow up presentation that they look into each item listed in the report specifically.

Mayor Lahr stated that he anticipated this to be completed by the second Board meeting in September.

Commissioner Pawlowski stated that the cross access weighs heavily on his vote and is concerned with the safety and welfare of the drivers on Manchester Road.

Commissioner Gwin stated that her family lived in Harwood for over 55 years and the traffic on Manchester Road is not a new problem.

Commissioner Kennedy made a motion to approve the Site Plan and Master Development Plan for 11781 Manchester Road, the Conditional Use Permit for Starbucks with Drive Thru, and the Amendment to the Conditional Use Permit for Reliance Bank, Commissioner Stevens seconded the motion. A voice vote was as follows: Oeltjen, aye; A.Ahrens, aye; Gwin, aye; Kennedy, aye; Pawloski, nay; Gnagi, aye; Stevens; aye; Langa; aye; Mura, aye; Egerston, aye; Mayor Lahr, abstain; Alderman Pound, abstain. 11 aye; 1 nay; 2 abstain.

### **~~Discussion on Amendment to Zoning Code Relative to Drive-Thru Facilities~~**

Petitioner: Staff

Mr. Meyer stated that at the July 26<sup>th</sup> Board Meeting the Board of Aldermen requested that the Commission review proposed amendments to the zoning code that would prohibit drive thru facilities that did not have direct or indirect access to a traffic signal. Mr. Meyer added that they were not looking for action at this time, just feedback from the Commission before legislature is drafted.

Commissioner Anna Ahrens asked Mr. O'Keefe if this proposed amendment could be construed as limiting Motor Vehicle Oriented Businesses. Mr. O'Keefe stated that similar codes have been adopted and have not been problematic.

Chairman Oeltjen asked if there were any further questions if not, he'd accept a voice vote for all of those in favor of further consideration of amending the zoning code to prohibit drive thru facilities that do not have direct or indirect access to a signal. A voice vote was unanimous.

## **STATUS REPORT**

Mr. Meyer stated that a memo from PGAV was provided to them for their review.

Alderman Pound stated that the Conditional Use Permit and Master Development Plan for the Village Bar was just introduced to the Board of Aldermen, and that the Board is back to holding its regular meetings.

Mayor Lahr reminded the Commission of the Concert in the Park on August 12<sup>th</sup>, where a fundraiser for Ballwin Officer Flamion will be held.

Commissioner Gwin requested an update on Rosalita's Cantina. Mr. Meyer stated that they were still waiting on steel columns.

Mayor Lahr stated that he met with a few people with St. Paul's Lutheran School regarding the rebuilding of the school at 1300 N Ballas. Mr. Meyer added that Staff had received some preliminary drawings and there would be some slight modifications to the footprint.

## **COMMITTEE UPDATES**

None.

## **ADJOURNMENT**

Commissioner Anna Ahrens moved to adjourn the meeting. Commissioner Langa seconded the Motion. Motion was approved by voice vote. The meeting was adjourned at 8:32 pm.

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John Oeltjen, Planning & Zoning Chairman