



**MINUTES OF THE
PLANNING AND ZONING COMMISSION MEETING
1 GOVERNMENT CTR ♦ BALLWIN MO 63011
SEPTEMBER 6, 2022**

Chairman Weaver called the meeting to order at 7:00 p.m. Members in attendance were:

PRESENT

Chairman Mark Weaver
Secretary Olivia Pieknik
Commissioner Grant Alexander
Commissioner Derek Beiter
Commissioner Gary Carr
Commissioner Chad Silker
Commissioner Mike Swain
Commissioner Victoria Winfrey
Mayor Tim Pogue

ABSENT

Alderman Mark Stallman

Planning Technician Shawn Edghill
City Administrator Eric Serman
Ms. Kate Henry for City Attorney Robert E. Jones

Approval of Minutes

Secretary Pieknik asked that the minutes of the June 6 meeting be amended to read, “*Acting Chairman Pieknik* called the meeting to order...” A motion was made by Mayor Pogue to accept the minutes of the June 6, 2022 meeting as amended. Commissioner Alexander seconded the motion, which received unanimous approval from the Commission members present.

SUE 22-05 – Restaurant with Sale of Alcohol by the Drink

Little Hi Hi-Pointe Drive In, 15069 Manchester Rd, Ballwin MO 63011
Petitioner: Mr. Ben Hillman, 120 S Central Ave Suite 1000, St Louis MO 63105

Mr. Hillman and co-owner Mr. Mike Johnson addressed the Commission, requesting approval for a special use exception to operate a drive in restaurant with the sale of alcohol by the drink. Mr. Hillman gave a short presentation describing the restaurant and its menu. Mr. Johnson noted that their burgers have won world competitions.

Chairman Weaver asked if there will be a drive-thru. Mr. Hillman said not in the traditional sense. Orders will not be taken at the window; customers will order online and pick up at the window. Secretary Pieknik asked about outdoor seating. Mr. Hillman stated that the patio on the east side of the building will be utilized for outdoor seating, but they have not determined how many tables will be placed outside. At most it would be seating for up to 30 people. Secretary Pieknik voiced her concern that customers will be outside drinking. Mr. Hillman stated that they do not expect alcohol sales to be particularly high at this location due to the small dining room. The hours of operation will be 11:00 am – 9:00 pm.

Secretary Pieknik asked about traffic. Mayor Pogue said that this property has previously housed restaurants and traffic has never been a problem.

Mr. Hillman noted that The Rock church has given their approval for the proposal, and have offered the use of their parking lot.

Commissioner Swain asked when the petitioners plan on opening. Mr. Hillman said as soon as six weeks after Board of Aldermen approval.

Attorney Kate Henry stated that her firm represents Mr. Johnson for personal matters. Since her firm does not represent him for the business, there is no conflict of interest.

Chairman Weaver opened the public hearing and asked if anyone wished to speak in favor of Petition SUE 22-05. No one came forward, and Chairman Weaver asked if anyone wished to speak in opposition to the petition. No one came forward, and Chairman Weaver closed the public hearing.

Mayor Pogue made a motion to recommend approval of Petition SUE 22-05 to the Board of Aldermen. Commissioner Alexander seconded the motion, which received unanimous approval from the Commission members present.

SUE 22-04 – Entertainment Use

De-Crypt-It Escape Room, 116 Holloway Rd, Ballwin MO 63011

Petitioner: Mr. James Tyler, 135 Lois Ln, Paducah KY 42001

Neither Mr. Tyler nor a representative was in attendance to answer the Commission's questions. Mayor Pogue asked if staff has any objections regarding the petition. Planning Technician Edghill said he does not have any concerns and feels that it can be voted on without the petitioners in attendance.

Commissioner Carr asked if a traffic study had been done. Planning Technician Edghill said that since no changes are proposed to the site, parking capacity for the entertainment use is the only consideration. Parking is adequate for the proposed use. Commissioner Carr asked about the hours of operation. Planning Technician Edghill said that has not been disclosed to him. Commissioner Carr said that his concern is for the condominiums off of Kehrs Mill Rd. Planning Technician Edghill said that the proposed use is not directly adjacent to that area. Secretary Pieknik voiced her concern that customers will loiter around the area late at night.

Commissioner Carr made a motion to table Petition SUE 22-04 until the October 3, 2022 meeting of the Planning & Zoning Commission to allow the petitioner or his agent to be in attendance. Mayor Pogue seconded the motion, which received unanimous approval from the Commission members present.

Adjournment

Secretary Pieknik made a motion to adjourn the meeting. Commissioner Winfrey seconded the motion, which received unanimous approval from the Commission members present. The meeting was adjourned at 7:20 p.m.

J. Mark Weaver, Chairman
Planning & Zoning Commission