



**MINUTES OF THE
PLANNING AND ZONING COMMISSION MEETING
1 GOVERNMENT CTR ♦ BALLWIN MO 63011
DECEMBER 5, 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 Chad Silker
Commissioner Mike Swain
Commissioner Victoria Winfrey
Alderman Mark Stallmann
Mayor Tim Pogue

Planning Technician Shawn Edghill
City Administrator Eric Sterman
City Attorney Robert E. Jones

ABSENT

Commissioner Gary Carr

Approval of Minutes

A motion was made by Alderman Stallmann to accept the minutes of the November 7, 2022 meeting as submitted. Secretary Pieknik seconded the motion, which received unanimous approval from the Commission members present.

SUE 22-08 – Restaurant without the Sale of Alcohol

Tealux Cafe, 14788 Manchester Rd, Ballwin MO 63011

Petitioner: Ms. Sophia Tran, 808 Garonne Dr, Manchester MO 63021

Ms. Sophia Tran addressed the Commission thanking them for this opportunity to open the business and asked the Commission if they had any questions. Commissioner Silker asked about the hours of operation. Ms. Tran responded that her restaurant intends to be open 10 a.m. - 8p.m. on weekdays, and 10 a.m. – 10 p.m. on weekends. Commissioner Alexander asked about the type of food being sold at the restaurant. Ms. Tran responded that her restaurant will provide Vietnamese food and boba tea. Commissioner Winfrey asked how many employees will be working at Tealux. Ms. Tran responded 5 employees per shift. Secretary Pieknik and Commissioner Alexander asked about how many seats the petitioner was planning on for the customers intending to dine-in. Ms. Tran responded about 8 tables. Commissioner asked if there was any outside seating planned for this location, to which Ms. Tran responded that there would not be any outside seating.

Secretary Pieknik asked what the timeframe was to refit the building from its previous use as a Dry Cleaner to the proposed restaurant. Ms. Tran responded that the architectural drawings will be drafted by the end of the week, but that completion of the project would occur after about 3-4 months.

Chairman Weaver opened the public hearing and asked if anyone wished to speak in favor of Petition SUE 22-08. 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.

Chairman Weaver asked if there were any further comments. Mayor Pogue indicated that Planning Technician Edghill's review report brought forward no concerns and asked if there was anything further that he would like to add. Planning Technician Edghill said that he did not believe that there was any reason for any concerns to arise from this restaurant being set up at this shopping center.

Secretary Pieknik noted that she had concern on the possibility of an increase in traffic due to the difficulty of turning left out of the shopping center. Mayor Pogue asked if MoDOT had any bearing on this petition, to which Planning Technician Edghill responded that since this was a business going into a pre-existing space and not a new construction, that MoDOT's input was not required. Commissioner Alexander asked if there were any concerns as to if parking might be detrimentally affected. Planning Technician Edghill responded that there was enough parking for both Tealux and Kolache, with minimal opportunity for overlap on the parking area. Secretary Pieknik discussed the seating question further and indicated that there did not appear to be a reason for concern with regard to the amount of seats to parking ratio; Planning Technician Edghill concurred.

Mayor Pogue made a motion to recommend approval of Petition SUE 22-08 to the Board of Aldermen. Commissioner Swain seconded the motion, which received unanimous approval from the Commissioner members present.

SUE 22-09 – Restaurant without the Sale of Alcohol

The Ground Coffeeshop and Retail, 109 Ballpark dr, Ballwin MO 63011

Petitioner: Ms. Shannon Moore, 260 Treasure Cove, Ballwin MO 63021

Ms. Shannon Moore addressed the Commission and requested that the Commission consider her proposal for a community-based small coffeeshop. Alderman Stallmann asked how many parking spaces there were available on site. Ms. Moore responded that there were 12 spaces, with 3 employees intended to be on site per shift. She also noted that she intended to have seating for about 32 people, and also stated that Regions Bank, located at 14915 Manchester Rd directly to the east of the site across Ballpark Dr., has offered off-site parking to her business.

Chairman Weaver inquired about the retail aspect of the business. Ms. Moore responded that they are planning on selling houseplants and gifts separate from the coffeeshop. Commissioner Alexander asked if the petitioner was planning on roasting coffee on site. Ms. Moore said she was not, instead she was working with a local roaster in the City of St. Louis to provide the coffee beans. Secretary Pieknik asked if there was anything beyond the coffee being sold at the restaurant. Ms. Moore responded that they are also intending to provide teas, smoothies, and pastries. Mayor Pogue inquired about hours of operation, which were stated by the petitioner to be 6 a.m. – 5 p.m. daily. Commissioner Winfrey asked when The Ground was intending to open, to which Ms. Moore responded mid-spring 2023.

Secretary Pieknik mentioned her concern as to the location of the business being a bit removed from the commercial corridor and asked Ms. Moore how she was intending on advertising herself. Ms. Moore responded that she recognized that it wasn't the clearest location to see and that she would rely on social media, West County Chamber of Commerce and the City of Ballwin's Ballwin Life Magazine for advertisement. She also mentioned intending to partner up with businesses in the City who have a larger social media following to further her advertising capability.

Chairman Weaver opened the public hearing and asked if anyone wished to speak in favor of Petition SUE 22-09. 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.

Chairman Weaver asked if there were any further comments. Alderman Stallman asked Planning Technician Shawn Edghill if there were any concerns on his end. Mr. Edghill responded that there were no concerns in regards to this project. Alderman Stallman made a motion to recommend approval of Petition SUE 22-09 to the Board of Aldermen. Secretary Pieknik seconded the motion, which received unanimous approval from the Commission members present.

Z 22-02 Zoning Ordinance Change

Residential Business Accessory Use,

Petitioner: Shawn Edghill, 1 Government Ctr., Ballwin, MO 63011

Before the matter was discussed, a question was brought before City Attorney Robert E. Jones as to whether Commissioner Beiter needed to recuse himself from voting on this matter as he operates a home-based business. City Attorney Jones stated that he did not believe that the Commissioner owning a home-based business was a disqualifying interest since it was not a conflict of interest, given that the Commissioner was not enjoying any benefit different than that of the general public. Alderman Stallman and Commissioner Winfrey, and Commissioner Swain also went on the record stating that they also had home-based businesses.

City Attorney Jones began his presentation to the Commission stating that this zoning ordinance change was due to a change in Missouri state law, coming into effect during the last legislative session through Bill 1662. He noted that the change in legislation would not amount to a complete deregulation of home-based businesses, but certainly a further lessening on behalf of municipal oversight. He assured the Commission that this would not result in the providing allowance of commercial businesses, such as a McDonalds, being able to set up a building within a neighborhood. However, as long as a business being run out of a residence was following State statute's definition as a "no-impact" business, then the City would have less ability to dictate business activities. Short-Term Rentals are especially impacted by this change in legislation, with landlords not being required to reside on premises for a minimum of 180 days out of the year any longer.

The main purpose behind this ordinance change is to comply with State Law. City Attorney Jones mentions that he recognizes the City's concern towards the impact on parking, assuring the Commission that we will still be able to restrict commercial vehicle traffic, as he adopted the National Highway Traffic Safety definition, listed in Article 8 of the proposal. City Attorney Jones reaffirmed that the purpose of this Zoning Ordinance Change was to bring the City of Ballwin's Code into compliance with State Law.

Chairman Weaver opened the public hearing and asked if anyone wished to speak in favor of SUE 22-09. 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.

Alderman Stallman made a motion to recommend approval of Petition Z 22-02 to the Board of Aldermen. Commissioner Alexander seconded the motion, which received unanimous approval from the Commission members present.

Other Business:

Adjournment:

Chairman Weaver 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 7:30 p.m.

Other Business

Chairman Weaver asked if there are any items for the January agenda. Planning Technician Edghill said that there are no items for the January agenda. Chairman Weaver asked for an update on the apartment complex. Planning Technician Edghill noted that the demolitions of the structures at 14819 and 14811 Manchester Rd has begun. Chairman Weaver asked if the Police Station was still on track for Spring 2023, which Planning Technician Edghill affirmed.

Mayor Pogue also noted that the Taco Bell at 15225 Manchester Rd had started demolition as well following a fire in early August 2022. The Taco Bell will be rebuilt and has plans before the Building Commissioner currently for review.

Secretary Pieknik gave a report that she had successfully had the third dedication of a lending library in the City of Ballwin in New Ballwin Park. A fourth one is intended to be built in Spring 2023 in Holloway Park.

Adjournment

Chairman Weaver 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 7:30 p.m.

J. Mark Weaver, Chairman
Planning & Zoning Commission