



PLANNING & ZONING COMMISSION

MEETING DATE: MAY 31, 2022
LOCATION: COUNCIL CHAMBERS, 9119 LACKLAND ROAD, OVERLAND, MO 63114
CALL TO ORDER: 6:00 PM
ADJOURNMENT: 7:14 PM
NEXT P&Z MEETING: TUESDAY, JUNE 28, 2022 @ 6:00PM
COUNCIL MEETING: MONDAY, JUNE 13, 2022 @ 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	
SPECIAL COUNSEL, NEWTON MCCOY	X	
KEN CROWDER	X	
LES DILLS	X	
LESLIE FERGUSON	X	
RENEE CROWELL	X	
KADI SANDERS, DIRECTOR of COMMUNITY DEVELOPMENT	X	
JAMES OSBORNE, ZONING COORDINATOR	X	

PLEDGE OF ALLEGIANCE

REMEMBRANCE OF SERVICE MEMBER

APPROVAL OF MINUTES:

Leslie Ferguson made a motion to approve the minutes as presented from the April 26, 2022, Planning and Zoning meeting. Ken Crowder 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.

10250 PAGE AVE – CM SHREE GOVINDA INC. DBA DUNKIN DONUTS BASKIN ROBBINS – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

As the first agenda items, there was no representative present from the business. Chairman Hardrick requested to move the item to end of the agenda.

At the end of the agenda, no representative for the business had appeared. Ms. Kadi Sanders, Director of Community Development explained to the Commission that this business was before the Commission this evening to obtain a conditional use permit and site plan approval to operate their business, CM Shree Govinda Inc dba Dunkin Donuts and Baskin Robbins. Ms. Sanders continued to explain to the Commission that this was a change of ownership only and was a continuous use. Ms. Sanders explained there were no changes to the site. She also explained there were no changes to the operation of the business.

Special Counsel Newton McCoy explains to the Commission that even without a representative that they could vote on agenda item.

There were no further questions or comments from the Commission at this time.

There were no comments from the audience.

There were no comments from legal counsel.

Renee Crowell made a motion to recommend approval of the conditional use permit with stipulations as discussed. Leslie Ferguson seconded the motion. Motion carried.

Councilwoman Beth Ruckman made a motion to recommend approval of the site plan as presented. Mark Giroux seconded the motion. Motion carried.

9100 LACKLAND RD – ABBA HANDS ADULT DAYCARE LLC – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Jane Munyambo, owner of Abba Hands Adult Daycare LLC, addressed the Commission to request approval of a conditional use permit and site plan, to operate a new business, adult daycare facility.

Ms. Kadi Sanders, Director of Community Development, explained to the Commission that the applicant had applied for a Conditional Use Permit and a Site Plan Review. Ms. Sanders explained to the Commission based upon the site plan submitted the property was found to have several site discrepancies associated with the City code. Ms. Sanders informed the Commission as of this date, Community Development has not received any applications for variances associated with the property. She informed the Commission that the property owner and the business owner (applicant) had been notified on May 23rd, 2022 about the non-conforming site issues, and would require multiple variances granted from Board of Adjustment.

Brian Waddell, owner of the property, explained to the Commission the site plan submitted with the applications was a preliminary site plan, and that he was currently having the same company revise and develop an entirely new and more accurate site plan. He advised the Commission that the company was behind in performing such contracts and did not have it prepared in time for the meeting. Mr. Waddell informed the Commission that he would have the new site plan submitted.

There was discussion regarding submitting the new site plan and performing a site plan review on the new submitted plan. This discussion also included dates of submittal for Board of Adjustment to be heard for any variances that would still be required after the review of the new site plan.

There was another discussion regarding state licensing associated with approvals and adult daycare facilities, also included was brief discussions regarding parking and transportation and overnight parking with the facility.

Special Counsel Newton McCoy, explained to the Commission and the applicant and property owner, that based on the discussion that it might be best to postpone the agenda item until a revised site plan and any variance applications required be submitted prior to the next scheduled meeting.

Carol Fitzgerald of 2383 S. Milton Ave spoke to the Commission and opposes the approval of an Adult Daycare Center at this location.

There were no comments from legal counsel.

Leslie Ferguson made a motion to postpone the agenda item with stipulations as discussed. Mark Giroux seconded the motion. Motion carried.

9910 PAGE AVE SUITE A – ATHENIAN GRILL – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Georgios Kastanias, owner of Athenian Grill and the property, addressed the Commission to request approval of a conditional use permit and site plan, to operate a new business, restaurant (carry-out only) with light retail.

Ms. Kadi Sanders, Director of Community Development, explained to the Commission that the applicant was here this evening for a Conditional Use Permit and Site Plan Approval for his business located at property. Ms. Sanders further explained there has been some recent code enforcement issues associated with the property in its entirety. Ms. Sanders informed the Commission that recently Mr. Kastanias has purchased the property and was in the process of leasing the property to clients. She continued to explain that Community Development recently had a meeting with the applicant's representatives and general manager to develop an understanding of the uses within the facility.

There was discussion regarding the code enforcement issues found with the property and the understanding of how "storage of vehicles, dispatching, and outside storage" was different in terms of legalities associated with businesses.

Mr. Kastanias explained to the Commission that he is trying to stay within compliance and is willing to work with the City in any shape possible to help alleviate any concerns.

Discussions continued with the plan of an "Umbrella" based Conditional Use Permit and Site Plan associated with the property in its entirety at the next scheduled Planning and Zoning meeting and this evening was for the Athenian Grill only, one suite located inside the Business Center.

A brief discussion occurred regarding the business operations such as days and hours of operation. The discussion included the understanding there were no inside seating allowed and it was all carry out service, also included in this discussion was the furthering defining of “Light Retail” associated with the property.

There were no comments from the audience.

There were no comments from legal counsel.

Leslie Ferguson made a motion to approval of the conditional use permit contingent upon all code enforcement issues with the property being rectified prior to June 13, 2022 City Council Meeting, and with stipulations as discussed. Ken Crowder seconded the motion. Motion carried.

Mayor Marty Little made a motion to recommend approval of the site plan as presented. Councilwoman Beth Ruckman seconded the motion. Motion carried.

1780 BURNS AVE – PAGE EQUITY LLC – LOT CONSOLIDATION

Ms. Kadi Sanders, Director of Community Development, explained to the Commission that the applicant was not here this evening because the lot consolidation map was not completed as intended and had requested the item be continued until the next scheduled Planning and Zoning meeting to be heard.

The Commission granted the request.

2127 INNERBELT BUSINESS CENTER DRIVE SUITE 300 – CONCRETE STRATEGIES LLC – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Pat Moriarity, representative and business owner of Concrete Strategies LLC, addressed the Commission to request approval of a conditional use permit and site plan, to operate a new business, a construction contractor office.

Ms. Kadi Sanders, Director of Community Development, explained to the Commission that the applicant was here this evening for a Conditional Use Permit and Site Plan Approval for his business located at property. Ms. Sanders further explained that the business was a business division of Clayco and was previously located within Clayco. She continued to explain that they now were moving locations as expansion was needed.

There was a brief discussion about construction equipment not being stored on site, and that this is an administrative business office only.

There were no comments from the audience.

There were no comments from legal counsel.

Les Dills made a motion to recommend approval of the conditional use permit with stipulations as discussed. Mark Giroux seconded the motion. Motion carried.

Leslie Ferguson made a motion to recommend approval of the site plan as presented. Ken Crowder seconded the motion. Motion carried.

NEW BUSINESS/OLD BUSINESS:

There was a brief discussion regarding the outlining of 10055 Lackland Rd. currently.

ADJOURNMENT:

Mark Giroux made a motion to adjourn. Leslie Ferguson seconded the motion. Motion carried.

Respectfully submitted,

William Hardrick, Chairman
Planning and Zoning