



## PLANNING & ZONING COMMISSION

**MEETING DATE:** AUGUST 30, 2022  
**LOCATION:** COUNCIL CHAMBERS, 9119 LACKLAND ROAD, OVERLAND, MO 63114  
**CALL TO ORDER:** 6:00 PM  
**ADJOURNMENT:** 7:10 PM  
**NEXT P&Z MEETING:** TUESDAY, SEPTEMBER 27, 2022 @ 6:00PM  
**COUNCIL MEETING:** MONDAY, SEPTEMBER 12, 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	
JOSEPH BOND, SPECIAL COUNSEL	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:

Ken Crowder made a motion to approve the minutes as presented from the July 26, 2022, Planning and Zoning meeting. Mark Giroux 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.

### 8960 PAGE AVE – RUIZ A LLC DBA MCDONALD’S – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Nancy Seemort, on behalf of McDonald’s Corporation, addressed the Commission to request approval of a conditional use permit and site plan, to operate a new business. The new business is a restaurant with drive-thru sales and is a change of ownership only. The business will remain and be operated as a McDonald’s.

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 the McDonald’s operating at the Overland Plaza location along Page Ave. Ms. Sanders further explained that this is a change of ownership and there is no changes with the day to day operations. Ms. Sanders continued to explain that the new business owner intended to utilize and still operate the commercial electronic message board sign along with the commercial electronic menu boards as previously approved. She continued to explain that no new applications were included regarding the signs and menu boards but that they would be incorporated within the Conditional Use Permit if recommended for approval.

There was a brief discussion regarding the hours of operation with the drive-thru window, days and hours of the lobby and the business day to day operations.

Further discussion involved outside storage to be permitted for this location regarding the storage of CO2 tanks located at the property and how they must remain stored inside the enclosure located at the property.

There were no comments from the audience.

There were no comments from legal counsel.

Ken Crowder made a motion to recommend approval of the conditional use permit with stipulations as discussed. Councilwoman Beth Ruckman seconded the motion. Motion carried.

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

1804 MORVEN AVE – GREATER LOVE ADULT DAYCARE LLC– CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Eunice Sanders, owner of Greater Love Adult Daycare LLC, addressed the Commission to request approval of a conditional use permit and site plan, to operate her new business of an adult daycare facility.

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 a new business to be located at the property, and this business was an adult daycare facility. Ms. Sanders continued to explain the applicant was under contract to purchase the property. She further explained that a site plan review was performed on the property and there are some discrepancies associated with the property and the city code.

Ms. Sanders continued to explain to the Commission variances from Board of Adjustment would be required for the property to be utilized in the format as presented this evening, and that any recommendation of approval this evening be contingent upon variance approvals from the Board of Adjustment.

A brief discussion was held in regards to total number of clients, parking requirements, days and hours of operation, and the day to day operations of the business. This discussion also included the site plan and which formatting was to be accepted based on what was proposed for the parking requirements for the property to conform to the city code.

There were no comments from the audience.

There were no comments from legal counsel.

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

Steve Olsen made a motion to recommend approval of the site plan as presented. Mark Giroux seconded the motion. Motion carried.

9579 PAGE AVE – AFAL LLC – ZONING MAP AMENDMENT “PD-C” TO “R-3”

Moira Lewis, owner of AFAL LLC , addressed the Commission to request approval of a zoning map amendment of the property, rezoning it from its current classification of “PD-C” Planned Development Commercial to “R-3” Single Family Residential.

Ms. Kadi Sanders, Director of Community Development, explains to the Commission, the applicant is requesting to change the current zoning of the property from commercial to residential. Ms. Sanders explains to the Commission how the comprehensive plan does not support the rezoning of the property. She further explains that during the site plan review of the property two site discrepancies existed with the property in correlation to the rezoning of the property.

Ms. Sanders further explained to the Commission the applicant has applied for two variances to be heard by the Board of Adjustment and was scheduled for a hearing on September 14, 2022.

There was a discussion regarding the comprehensive plan and the properties located in this area along Page Avenue and the future intentions of the property. During the discussion it was mentioned how the property has been utilized in the past as a single family residential and this would return the property to such use.

There were no comments from the audience.

There were no comments from legal counsel.

Ken Crowder made a motion to recommend approval of the zoning map amendment with stipulations as discussed. Mark Giroux seconded the motion. Motion carried.

9910 PAGE AVE – MOORE BUSINESS ENTERPRISES LLC – ZONING TEXT AMENDMENT TO INCLUDE LIMOUSINE SERVICES IN “M1” MANUFACTURING

Georgios Kastanias, on behalf of Moore Business Enterprises LLC, addressed the Commission to request approval of a zoning text amendment to include “Limousine Services” as a definition and a land use permitted conditionally in the “M1” Manufacturing zoning district.

Ms. Kadi Sanders, Director of Community Development explained to the Commission staff had composed what they felt to be an effective definition that one could be comfortable considering for approval within the zoning code, regarding Limousine/Transportation Services. Ms. Sanders also explained to the Commission some of the requirements that would be required with the use of such definition such as parking requirements for such usage. Ms. Sanders also explained that the requirement for a business applying to operate such use, would be required to provide certain detailed information and criteria for consideration of approval. Ms. Sanders further explained to the Commission, this use was to be considered as a Conditional Use within the “M1” Manufacturing Zoning District.

There was a brief discussion regarding the idea of motor vehicle oriented businesses within the “M1” Manufacturing Zoning District as a whole and not in regards to any specific property.

There were no comments from the audience.

There were no comments from legal counsel.

Steve Olsen made a motion to recommend approval of the zoning text amendment to include limousine services/transportation services as a conditional use within the “M1” Manufacturing Zoning District with stipulations as discussed. Mark Giroux seconded the motion. Motion carried.

9506 LACKLAND RD – LA NUEVA VECINDAD LLC DBA LA VECINDAD – CONDITIONAL USE PERMIT/SITE PLAN APPROVAL

Bianca Cervantes Pancho, on behalf of La Nueva Vecindad LLC, addressed the Commission to request approval of a conditional use permit and site plan, to operate the new business, restaurant/snack shop.

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 the business located at this location which has been operational for a while. Ms. Sanders further explained the business was a change of ownership only, and thus far the previous business has conducted themselves as a very good business citizen of the City. Ms. Sanders continued to explain to the Commission, the Board of Adjustment had previously approved variances for the front yard setback and insufficient parking for the property in its entirety, as the business is located in a strip mall.

There was a brief discussion regarding the days and hours of operation along with the normal business day to day operations.

There were no comments from the audience.

There were no comments from legal counsel.

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

Steve Olsen made a motion to recommend approval of the site plan as presented. Leslie Ferguson seconded the motion. Motion carried unanimously.

9100 MIDLAND BLVD, UNIT B – MISSOURI GARAGE DOOR CO LLC DBA GARAGE LIVING – CONDITIONAL USE PERMIT/ SITE PLAN APPROVAL

Sean Alsvp, on behalf of SLR Partners LLC, the property owner, addressed the Commission to request approval of a conditional use permit and site plan approval for his tenant to operate his new commercial service business along with warehousing and wholesaling.

Ms. Kadi Sanders, Director of Community Development explained to the Commission, Mr. Alsvp was here this evening to request a conditional use permit and site plan approval for his tenants new business. She further explained that during the site plan review a few site plan discrepancies were found for the property and would require variance being approved from the Board of Adjustment so that the property conformed to the code. Ms. Sanders informed the Commission that both the property owner and applicant has been notified of the variances needed for the property and has not yet applied for such variances.

Ms. Sanders further explained that the applicant has been approved for a conditional use permit and site plan approval in the past for a similar business and had never obtained full occupancy which lead to other issues and wanted to express her concerns to the Commission and the property owners.

There was a brief discussion in regards to business hours and days of operation. This discussion also included how the business operated and what commercial service they provided. It was also expressed that any recommendation for approvals this evening would be contingent upon variance approvals for the site deficiencies found during the site plan review.

There were no comments from the audience.

There were no comments from legal counsel.

Leslie Ferguson made a motion to recommend approval of the conditional use permit with stipulations as discussed and contingent upon variance approval. Ken Crowder seconded the motion. Motion carried.

Steve Olsen made a motion to recommend approval of the site plan review with stipulations as discussed and contingent upon variance approval. Councilwoman Beth Ruckman seconded the motion. Motion carried.

RESOLUTION OF INTENTION – APPENDIX A, TAVERN/LOUNGE CONDITIONAL USE IN “C2” GENERAL COMMERCIAL

Ms. Kadi Sanders, Director of Community Development, explained to the Commission that this resolution of intention was at the discretion of the Commission. She further explained as identified by Special Counsel, Joseph Bond, all existing taverns and lounges will become legal non-conforming uses if recommended for approval.

There was a brief discussion regarding what businesses would become a legal non-conforming use. The discussion also included sending notices to the businesses that this resolution of intention was directly affecting, and informing them of the public hearing.

Councilwoman Beth Ruckman made a motion to recommend approval of the resolution of intention of Appendix A, specifically Tavern/Lounge as Conditional Use within the "C2" General Commercial Zoning District with stipulations as discussed. Mark Giroux seconded the motion. Motion carried.

#### **NEW BUSINESS/OLD BUSINESS:**

Mayor Little announced that on September 12<sup>th</sup>, 2022 following the city council meeting at the community center, there was an appreciation party for the Special Counsel, Newton McCoy and Bob Herman.

#### **ADJOURNMENT:**

Leslie Ferguson made a motion to adjourn. Ken Crowder seconded the motion. Motion carried.

Respectfully submitted,

William Hardrick, Chairman  
Planning and Zoning