



**PLANNING AND ZONING COMMISSION  
MEETING  
1 GOVERNMENT CTR, BALLWIN, MO 63011  
MONDAY, FEBRUARY 06, 2023 at 7:00 PM**

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**AGENDA**

- 1. Call to Order**
- 2. Approval of Minutes**
  - a.** Minutes of the December 5, 2022 Meeting
- 3. Agenda Items**
  - a.** **SUE 23-01 - Restaurant with Drive-Through Facility; No Sale of Alcohol by the Drink**  
Dunkin', 14924 Manchester Rd, Ballwin MO 63011  
*Petitioner: Steve Kolber, 828 Davis St., Ste. 300, Evanston, IL 60201*
- 4. Adjourn**

***NOTE:*** Due to ongoing City business, all meeting agendas should be considered tentative. Additional issues may be introduced during the course of the meeting.

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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 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 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 Stallmann 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**

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.

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J. Mark Weaver, Chairman  
Planning & Zoning Commission

## SPECIAL USE EXCEPTION PETITION REVIEW REPORT

**Petition Number:** SUE 23-01

**Petitioner:** Steve Kolber  
828 Davis St., Ste. 300  
Evanston, IL 60201

**Project Name:** Dunkin' Restaurant

**Requested Action:** Restaurant with Drive-Through Facility  
No Sale of Alcohol by the Drink

**Public Hearing Date:** February 6, 2023

**Code Section:** Art. XIV, Sec. 1 (20)  
Art. XIV, Sec. 1 (26)

**Location:** 14924 Manchester Rd

**Existing Land Use/Zoning:** Commercial/C-1

**Surrounding Land Use/Zoning:** North – Commercial/ C-1  
South – Commercial/ C-1  
West – Commercial/ C-1  
East – Commercial/ C-1

**Plan Designation:** Restaurant



**Figure 1:**  
**Map View of the location of 15581 Manchester Rd.**  
**Source: St. Louis County Parcel Viewer**



**Figure 2:**  
**Front view of Site, May 2022.**  
**Proposal would use the empty lot between Tommy's Express and All Surface Flooring.**  
**Photo obtained via Google Maps.**

## Project Description:

Mr. Kolber is requesting approval for a drive-through restaurant without intent to sell alcohol, located at 14924 Manchester Rd, to allow the operation of a business not inherently permitted in C-1 Commercial.

### Zoning Ordinance Requirements Appendix A, Article IX (Commercial/ C-1 District):

- Article IX, Section 1 is a general introductory statement and imposes no design or plan requirements so it is not germane to this review.
- Art. IX, Sec. 2 establishes uses allowed by right in the C-1 district. The use contemplated in this petition is not included in the base C-1 use regulations. **The provision for a restaurant/establishment is required to undergo the SUE permitting process, detailing the necessity of my assessment.**
- Art. IX, Sec. 3 establishes a height limitation of 45'. **The proposed building is to be 19' 6" in height, meeting requirements.**
- Art. IX, Sec. 4 (1) establishes a front yard depth of not less than 40', except for: Art. XI, Sec. 4 (1) (i), which states that land lying along Manchester Rd shall have a front yard not less than 60 feet. **The proposed building will be over 73' from Manchester Rd, meeting requirements.**
- Art. IX, Sec. 4 (2) establishes no requirement for a side yard, so long as the location does not adjoin with a dwelling, dwelling district, or any public activity district. **No dwelling, dwelling district, or public activity zoned properties are adjacent to this address. The building will be set back from the side property line by 22' 6", meeting the zero-foot setback allowance.**
- Art. IX, Sec. 4 (3) establishes a rear yard depth of not less than 25'. **The proposed building will be over 78' from the rear property line, meeting requirements.**
- Art. IX, Sec. 4 (4) refers to improvement of a C-1-zoned parcel with single-family dwellings, and is not pertinent to this evaluation.
- Art. IX, Sec. 5 (1) refers to off street parking and loading spaces. The proposed restaurant will be 1,890 sq ft in area. 1 parking spot will be required for every 200 sq ft. The restaurant will be required to have a minimum of 10 parking spaces. 15 parking spaces are proposed on the site development plan, meeting requirements.
- Art. IX, Sec. 5 (2) refers to parking for shopping centers, plazas and office complexes with two or more tenants having more than 100,000 square feet of gross floor area and is not applicable to this review.
- Art. IX, Sec. 6 refers to review by MoDOT for any intensive redevelopment along Manchester Rd.
- Art. IX, Sec. 7 (1) requires that the minimum spacing of curb cuts is to be 500' between centerlines. No change is proposed to the current curb cuts which stemmed from the initial proposal through Tommy's Express, adjacent to this property.



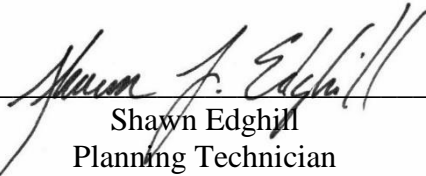
- Art. IX, Sec. 7 (2) requires the construction of a 6' wide sidewalk along Manchester Road. No change is required to the current sidewalk.
- Art. IX, Sec. 7 (3) requires that commercial parking lots be interconnected or that a cross access, driveway/parking lot vehicular interconnection easement be established to the benefit of Ballwin to allow a future parking lot interconnection with adjoining properties. No change is proposed, but the initial site plan with Tommy's Express included interconnection with the adjoining commercial properties to the west.

### **Zoning Ordinance Requirements/SUE Regulations Appendix A, Article XIV**

- Article XIV, Section 1 (20) refers to any shop where food is served for consumption on the premises (i.e. restaurant) in the C-1 commercial district.
- Article XIV, Section 1 (26) refers to any drive-through facilities in the C-1 commercial district.
- Article XIV, Sec. 2 (1) refers to minimum yard requirements. All yard requirements are abided by.
- Art. XIV, Sec. 2 (2) refers to site illumination. No change is proposed.
- Art. XIV, Sec. 2 (3) refers to greenery and planting. No change to the current landscape is proposed.
- Art. XIV, Sec. 2 (4) refers to fencing. No change is proposed.
- Art. XIV, Sec. 2 (5) refers to parking. The petitioner has abided by all parking requirements.
- Art. XIV, Sec. 2 (6) refers to pavement and parking compliance. The petitioner will abide by these requirements.
- Art. XIV, Sec. 2 (7) refers to storm water runoff control. No change is proposed.
- Art. XIV, Sec. 2 (8) refers to loading docks and facilities. **The petitioner will need to ensure that there is adequate loading and unloading opportunity that will not interrupt operations on the adjoining property.**
- Art. XIV, Sec. 2 (9) refers to ingress and egress at the site. No change is proposed.
- Art. XIV, Sec. 2 (10) refers to adequate area for the use. The area is considered adequate for the use proposed.
- Art. XIV, Sec. 2 (11) states that in off-street parking for public use or for employees, no sales, dead storage, repair work nor dismantling of automobiles shall be permitted.
- Art. XIV, Sec. 2 (12) refers to rubbish and trash disposal and screening. No change is proposed outside of the current trash disposal situation.

**Staff Recommendation:**

Staff has no concerns.



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Shawn Edghill  
Planning Technician