



**PLANNING AND ZONING COMMISSION  
MEETING  
1 GOVERNMENT CTR, BALLWIN, MO 63011  
TUESDAY, SEPTEMBER 06, 2022 at 7:00 PM**

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**AGENDA**

**1. Call to Order**

**2. Approval of Minutes**

**a.** Minutes of the June 6, 2022 Meeting

**3. Agenda Items**

**a. SUE 22-04 - Entertainment Use**

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

*Petitioner: James Tyler, 135 Lois Ln, Paducah KY 42001*

The petitioner is requesting approval for an indoor entertainment establishment located at 116 Holloway Rd, to allow the operation of a business not inherently permitted in C-1 Commercial.

**b. SUE 22-05 - Restaurant / Sale of Alcohol by the Drink**

Little Hi, Hi-Pointe Drive In, 15069 Manchester Rd, Ballwin MO 63011

*Petitioner: Ben Hillman, 120 S Central, Suite 1000, St Louis MO 63105*

The petitioner is requesting approval for a restaurant with intent to sell alcohol by the drink, located at 15069 Manchester Rd, to allow the operation of a business not inherently permitted in C-1 Commercial.

**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.

**ADA NOTICE:** Residents of Ballwin are afforded an equal opportunity to participate in the programs and services of the City of Ballwin regardless of race, color, religion, sex, age, disability, familial status, national origin or political affiliation. If one requires an accommodation, please call (636) 227-8580 V or (636) 527-9200 TDD or 1-800-735-2466 (Relay Missouri) no later than 5:00 p.m. on the third business day preceding the hearing. Offices are open between 8:00 a.m. and 5:00 p.m. Monday through Friday.



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

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

PRESENT

(Acting Chairman) Secretary Olivia Pieknik  
Commissioner Grant Alexander  
Commissioner Derek Beiter  
Commissioner Gary Carr  
Commissioner Chad Silker  
Commissioner Victoria Winfrey

Mayor Tim Pogue  
Alderman Mark Stallman

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

ABSENT

Chairman Mark Weaver  
Commissioner Mike Swain

**Approval of Minutes**

A motion was made by Mayor Pogue to accept the minutes of the May 2, 2022 meeting as submitted. Commissioner Winfrey seconded the motion, which received unanimous approval from the Commission members present.

**SUE 22-02 – Financial Institution – Bank**

**SUE 22-03 – Financial Institution – Interactive Teller Machine (ITM)**

Royal Banks of Missouri, 15491 Clayton Rd, Ballwin MO 63011  
*Petitioner: Mr. Mitch Baden, 13171 Olive Blvd, St Louis MO 63141*

Mr. Mitchell Baden and Mr. Kent Piskulich of RPA Construction addressed the Commission, requesting approval for the special use exceptions. Mr. Baden noted that the Interactive Teller Machine (ITM) allows the customer to be able to interact with people in the office. It will be located in front of the proposed facility, and although it will occupy several parking spaces, ample parking will remain for the plaza. Additional landscaping will be added. The bank itself will be a full-service branch.

Commissioner Carr asked how many cars the petitioner expects at the ITM. Mr. Baden said approximately 2-3 per hour minimum. Customers will be able to perform any transactions at the ITM that they can do inside the bank.

Mayor Pogue asked if the petitioner has reviewed the petition review report, as there are specific requirements for financial institutions. Mr. Baden said all the requirements are already in their plan. Mayor Pogue asked if the petitioner has considered changing the configuration of the ITM island to reduce the possibility of blocking other vehicles.

Mayor Pogue asked Planning Technician Edghill if he has any concerns regarding the ITM. said he does not.

Acting Chairman Pieknik opened the public hearing and asked if anyone wished to speak in favor of Petitions SUE 22-02 and SUE 22-03. No one came forward, and Acting Chairman Pieknik asked if anyone wished to speak in opposition to the petition. No one came forward, and Acting Chairman Pieknik closed the public hearing.

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

Mayor Pogue made a motion to recommend approval of Petition SUE 22-03 to the Board of Aldermen. Commissioner Silker seconded the motion, which received unanimous approval from the Commission members present.

### Adjournment

Commissioner Alexander 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 7:15 p.m.

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Olivia Pieknik, Acting Chairman  
Planning & Zoning Commission

**AMENDED SPECIAL USE EXCEPTION  
PETITION REVIEW REPORT**

**Petition Number:** SUE 22-04

**Petitioner:** James Tyler  
135 Lois Ln  
Paducah, KY 42001

**Project Name:** De-Crypt-It Escape Room

**Requested Action:** Allowance to Operate an Entertainment Use  
Focused Business

**Public Hearing Date:** September 6, 2022

**Code Section:** Art. XIV, Sec. 1 (30)

**Location:** 116 Holloway Rd

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

**Surrounding Land Use/Zoning:** North – Residential / R-4  
South – Commercial / C-1  
West – Commercial/ C-1  
East – Commercial/ C-1

**Plan Designation:** Indoor Entertainment

### Project Description:

Mr. Tyler is requesting approval for an indoor entertainment establishment located at 116 Holloway 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 an indoor entertainment facility in the City of Ballwin is required to undergo the SUE permitting process, detailing the necessity of my assessment.**
- Art. IX, Sec. 3 establishes a height limitation of 45'. **No changes are proposed to the current structure.**
- 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. **No changes are proposed to the current structure.**
- 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 changes are proposed to the current structure.**
- Art. IX, Sec. 4 (3) establishes a rear yard depth of not less than 25'. **No changes are proposed to the current structure.**
- 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, neither is this petitioner is making changes to the currently existing building nor to its parking lot. **No changes are proposed.**
- 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. This is irrelevant to this proposal.
- Art. IX, Sec. 7 (1) requires that the minimum spacing of curb cuts is to be 500' between centerlines. No change is proposed.
- Art. IX, Sec. 7 (2) requires the construction of a 6' wide sidewalk along Manchester Road and is not applicable to this review.
- 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, given that this proposal is using a pre-existing suite, such a requirement would be best applied to a proposal with new construction included.

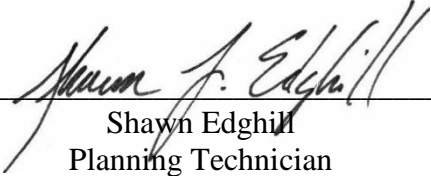
**Zoning Ordinance Requirements/SUE Regulations**  
**Appendix A, Article XIV**

- Article XIV, Section 1 (30) refers to any indoor entertainment facilities offering amusement 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 is neither making changes to the currently existing building nor to its parking lot.
- Art. XIV, Sec. 2 (6) refers to pavement and parking compliance. No change is proposed.
- 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. No dedicated loading spaces are proposed for this use.
- 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. No changes are being proposed for the building, and 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 with this proposal.

  
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Shawn Edghill  
Planning Technician

**AMENDED SPECIAL USE EXCEPTION  
PETITION REVIEW REPORT**

**Petition Number:** SUE 22-05

**Petitioner:** Ben Hillman  
120 S. Central, Ste. 1000  
St. Louis, MO 63105

**Project Name:** Little Hi, Hi-Pointe Drive In

**Requested Action:** Restaurant/ Sale of Alcohol by the Drink

**Public Hearing Date:** September 6, 2022

**Code Section:** Art. XIV, Sec. 1 (20)  
Art. XIV, Sec. 1 (21)

**Location:** 15069 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/ Sale of Alcohol by the Drink



## Project Description:

Mr. Hillman is requesting approval for a restaurant with intent to sell alcohol by the drink, located at 15069 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 wishing to distribute alcohol by the glass in the City of Ballwin is required to undergo the SUE permitting process, detailing the necessity of my assessment.**
- Art. IX, Sec. 3 establishes a height limitation of 45'. **No changes are proposed to the current structure.**
- 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. **No changes are proposed to the current structure.**
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- Art. IX, Sec. 4 (3) establishes a rear yard depth of not less than 25'. **No changes are proposed to the current structure.**
- 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, neither is this petitioner is making changes to the currently existing building nor to its parking lot. **No changes are proposed.**
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- Art. IX, Sec. 6 refers to review by MoDOT for any intensive redevelopment along Manchester Rd. This is irrelevant to this proposal.
- Art. IX, Sec. 7 (1) requires that the minimum spacing of curb cuts is to be 500' between centerlines. No change is proposed.
- Art. IX, Sec. 7 (2) requires the construction of a 6' wide sidewalk along Manchester Road and is not applicable to this review.
- 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, given that this proposal is using a pre-existing structure, and such a requirement would be best applied to a proposal with new construction included.

**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 (21) refers to any establishment for the sale of beverages containing alcohol of any kind by the drink for consumption on the premises where sold 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 is neither making changes to the currently existing building nor to its parking lot.
- Art. XIV, Sec. 2 (6) refers to pavement and parking compliance. No change is proposed.
- Art. XIV, Sec. 2 (7) refers to storm water runoff control. No change is proposed.

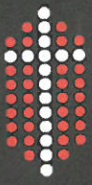
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**Staff Recommendation:**

Given that the location where the restaurant is proposed is within 300 feet of a church, located across the road at 15101 Manchester Rd, the City of Ballwin’s Alcoholic Beverage Control Code under Chapter 3, Article II, Division 2, Sec. 3-44 requires that the petitioner provides consent in writing of the majority of the managing board of the church in order for the ability to sell alcohol in any fashion on site. Any failure on behalf of the petitioner to procure said letter of consent will result in the location being deemed ineligible to sell alcohol.

Mr. Hillman provided a letter on Monday, August 22, from the church providing their consent for the business to operate with the sale of alcohol included.

  
Shawn Edghill  
Planning Technician



August 22, 2022

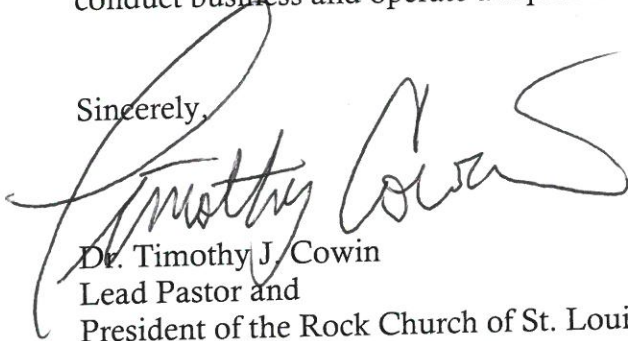
To Whom It May Concern,

The Rock Church of St. Louis has received a request from Hi Pointe Drive-In to give consent to open a business east of our facility at 15101 Manchester Rd. in Ballwin, Missouri.

The Rock Church Elders Team met on August 18, 2022 and unanimously voted to consent to this request.

So the Rock Church of St. Louis is officially giving their consent for Hi-Point Drive-In to conduct business and operate a liquor license next to our church property.

Sincerely,



Dr. Timothy J. Cowin  
Lead Pastor and  
President of the Rock Church of St. Louis Corporation