



**PLANNING AND ZONING COMMISSION
MEETING
1 GOVERNMENT CTR, BALLWIN, MO 63011
MONDAY, OCTOBER 03, 2022 at 7:00 PM**

AGENDA

- 1. Call to Order**
- 2. Approval of Minutes**
 - a.** Minutes of the September 6, 2022 Meeting
- 3. Agenda Items**
 - a. SUE 22-04 - Entertainment Use**

De-Crypt-It Escape Room, 116 Holloway Rd, Ballwin MO 63011
Petitioner: Mr James Tyler, 135 Lois Ln, Paducah, KY 42001
This item was held over from the September 6, 2022 meeting.
 - b. SUE 22-06 - Special Use Exception (Restaurant with Front Yard Parking)**

Marco's Pizza, 15003 Manchester Road, Ballwin MO 63011
Petitioner: Mr. Shawn Krisher, 2500 Lehigh Ave, Glenview, IL 60026
Mr. Krisher is requesting approval to open a restaurant located at 15003 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
SEPTEMBER 6, 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 Gary Carr
- Commissioner Chad Silker
- Commissioner Mike Swain
- Commissioner Victoria Winfrey
- Mayor Tim Pogue

ABSENT

- Alderman Mark Stallman

- Planning Technician Shawn Edghill
- City Administrator Eric Sterman
- Ms. Kate Henry for City Attorney Robert E. Jones

Approval of Minutes

Secretary Pieknik asked that the minutes of the June 6 meeting be amended to read, “Acting Chairman Pieknik called the meeting to order...” A motion was made by Mayor Pogue to accept the minutes of the June 6, 2022 meeting as amended. Commissioner Alexander seconded the motion, which received unanimous approval from the Commission members present.

SUE 22-05 – Restaurant with Sale of Alcohol by the Drink

Little Hi Hi-Pointe Drive In, 15069 Manchester Rd, Ballwin MO 63011
Petitioner: Mr. Ben Hillman, 120 S Central Ave Suite 1000, St Louis MO 63105

Mr. Hillman and co-owner Mr. Mike Johnson addressed the Commission, requesting approval for a special use exception to operate a drive in restaurant with the sale of alcohol by the drink. Mr. Hillman gave a short presentation describing the restaurant and its menu. Mr. Johnson noted that their burgers have won world competitions.

Chairman Weaver asked if there will be a drive-thru. Mr. Hillman said not in the traditional sense. Orders will not be taken at the window; customers will order online and pick up at the window. Secretary Pieknik asked about outdoor seating. Mr. Hillman stated that the patio on the east side of the building will be utilized for outdoor seating, but they have not determined how many tables will be placed outside. At most it would be seating for up to 30 people. Secretary Pieknik voiced her concern that customers will be outside drinking. Mr. Hillman stated that they do not expect alcohol sales to be particularly high at this location due to the small dining room. The hours of operation will be 11:00 am – 9:00 pm.

Secretary Pieknik asked about traffic. Mayor Pogue said that this property has previously housed restaurants and traffic has never been a problem.

Mr. Hillman noted that The Rock church has given their approval for the proposal, and have offered the use of their parking lot.

Commissioner Swain asked when the petitioners plan on opening. Mr. Hillman said as soon as six weeks after Board of Aldermen approval.

Attorney Kate Henry stated that her firm represents Mr. Johnson for personal matters. Since her firm does not represent him for the business, there is no conflict of interest.

Chairman Weaver opened the public hearing and asked if anyone wished to speak in favor of Petition SUE 22-05. 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.

Mayor Pogue made a motion to recommend approval of Petition SUE 22-05 to the Board of Aldermen. Commissioner Alexander seconded the motion, which received unanimous approval from the Commission members present.

SUE 22-04 – Entertainment Use

De-Crypt-It Escape Room, 116 Holloway Rd, Ballwin MO 63011
Petitioner: Mr. James Tyler, 135 Lois Ln, Paducah KY 42001

Neither Mr. Tyler nor a representative was in attendance to answer the Commission’s questions. Mayor Pogue asked if staff has any objections regarding the petition. Planning Technician Edghill said he does not have any concerns and feels that it can be voted on without the petitioners in attendance.

Commissioner Carr asked if a traffic study had been done. Planning Technician Edghill said that since no changes are proposed to the site, parking capacity for the entertainment use is the only consideration. Parking is adequate for the proposed use. Commissioner Carr asked about the hours of operation. Planning Technician Edghill said that has not been disclosed to him. Commissioner Carr said that his concern is for the condominiums off of Kehrs Mill Rd. Planning Technician Edghill said that the proposed use is not directly adjacent to that area. Secretary Pieknik voiced her concern that customers will loiter around the area late at night.

Commissioner Carr made a motion to table Petition SUE 22-04 until the October 3, 2022 meeting of the Planning & Zoning Commission to allow the petitioner or his agent to be in attendance. Mayor Pogue seconded the motion, which received unanimous approval from the Commission members present.

Adjournment

Secretary Pieknik 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 7:20 p.m.

J. Mark Weaver, 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.

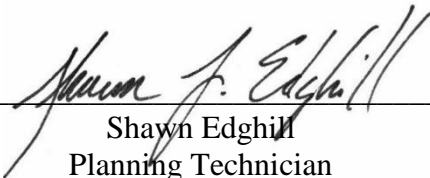
**Zoning Ordinance Requirements/SUE Regulations
Appendix A, Article XIV**

- 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.



Shawn Edghill
Planning Technician

**AMENDED SPECIAL USE EXCEPTION
PETITION REVIEW REPORT**

Petition Number: SUE 22-06

Petitioner Shawn Krisher
2500 Lehigh Ave.
Glenview, IL 60026

Project Name: Marco’s Pizza

Requested Action: Restaurant with Front Yard Parking

Public Hearing Date: September 6, 2022

Code Section: Art. XIV, Sec. 1 (14)
Art. XIV, Sec. 1 (20)

Location: 15003 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 15003 Manchester Rd. Source: St. Louis County Parcel Viewer.

Figure 2: Front View of Site, Apr 2022. Proposal would use the former Salon Dakota suite left of Aqueous Vapor. Photo obtained through Google Maps.



Project Description:

Mr. Krisher is requesting approval to open a restaurant located at 15003 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 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 structure, and such a requirement would be best applied to a proposal with new construction included.

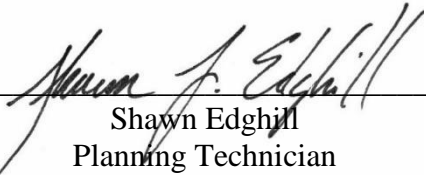
**Zoning Ordinance Requirements/SUE Regulations
Appendix A, Article XIV**

- Article XIV, Section 1 (14) refers to parking within any front yard for all allowed uses in the C-1 district.
- 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, 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. The applicant has indicated that the location will have no interior seating, and all food produced on site will be either delivered or picked up from the restaurant with no interior seating.
- 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.
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Staff Recommendation:

Staff has no concerns.



Shawn Edghill
Planning Technician