



**PLANNING AND ZONING COMMISSION
MEETING
1 GOVERNMENT CTR, BALLWIN, MO 63011
MONDAY, MAY 02, 2022 at 7:00 PM**

AGENDA

- 1. Call to Order**
- 2. Approval of Minutes**
 - a.** Minutes from the January 3, 2022 Meeting
- 3. Agenda Items**
 - a.** **SUE 22-01 Special Use Exception - Entertainment Use**
Kids Empire, 14856 Manchester Rd, Ballwin MO 63011
Petitioner: Mr. Alton M. Klein, 620 Arrow Hwy, La Verne, CA 91750

Mr. Klein is requesting approval for an indoor entertainment establishment located at 14856 Manchester Rd.

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
JANUARY 3, 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
- Alderman Michael Finley
- Mayor Tim Pogue

- Planning Technician Shawn Edghill
- City Attorney Robert E. Jones

ABSENT

- Commissioner Mike Swain
- Commissioner Victoria Winfrey

Swearing in of Commissioner

Mr. Derek Beiter (Ward 2) was sworn in by Planning Technician Shawn Edghill. Mr. Beiter replaces Ms. Lisa Zimmerman, who resigned from the Commission.

Approval of Minutes

A motion was made by Mayor Pogue to accept the minutes of the December 6, 2021 meeting as submitted. Secretary Pieknik seconded the motion, which received unanimous approval from the Commission members present.

SUE 21-05 – Sale of Alcohol in the Lower Level by the Drink for Consumption on the Premises and by the Package for Carryout

Brewery at The Wolf Café, 15480 Clayton Rd
Petitioner: Mr. Robert Biribin, 15480 Clayton Rd, Ballwin MO 63011

Chairman Weaver stated that he has done work for the petitioner. City Attorney Jones said that Mr. Weaver should abstain from voting, but could take part in the discussion of the petition.

Mr. Biribin, owner of The Wolf Café, addressed the Commission, requesting approval for the special use exception to serve alcohol in the lower level. Mr. Biribin said this will only be available in the evening hours (4:00 until as late as midnight on the weekend) to alleviate the parking concerns. He said that the parking lot for the building is underutilized during the evening hours. Commissioner Alexander asked if Mr. Biribin has plans for overflow parking should it be necessary. Mr. Biribin stated that he has an “unofficial” agreement with UMB Bank to allow parking.

Alderman Finley asked about the proposed hours for the brewery. Mr. Biribin said that it closed on Sunday, Monday, and for now, Tuesday. Wednesday through Saturday the hours will be 4:00 pm until 10:00. Midnight would be the latest it would be open on Friday and Saturday. Chairman Weaver asked how late the café is open. Mr. Biribin said the café closes at 8:00, so there will be some overlap with the brewery during the week.

Mayor Pogue asked if the café hours would be expanded as well. Mr. Biribin said that the café currently closes at 4:00 on Saturday, but that may change to be open later (until 8:00 pm), depending on staffing. Mayor Pogue asked about reopening on Sunday and Monday. Mr. Biribin said that will not happen.

Commissioner Beiter noted that the petitioner said that their carryout business has increased, which alleviated some of the parking concerns, and asked what the Mr. Biribin's plan is if that situation were to reverse. Is there street parking available on Clayheath Ct.? Mr. Biribin said there are a few parking spots on Clayheath Ct.

Secretary Pieknik asked about staff parking. Mr. Biribin said that a lot of staff park on the street. He said that the staff for the brewery would be limited to two people. Most of the staff leave after lunch, which is around 2:00 pm.

Mayor Pogue stated that the Ballwin Police Department did a parking study in September and October. Their findings concur with what Mr. Biribin is saying; that the parking lot for the building has plenty of spaces to accommodate parking for the brewery.

Chairman Weaver opened the public hearing and asked if anyone wished to speak in favor of the Petition SUE 21-05. No one came forward, and Chairman Weaver asked if anyone wished to speak in opposition to the petition.

Mr. Gary Ross, 922 Claybend Dr, voiced his concerns regarding intoxicated individuals trespassing on the neighboring homeowners' property.

Mr. Tim Bambenek, 309 Clayheath Ct, is concerned about vehicular safety with cars parking on Clayton Ridge Dr. He said that it's a problem for school buses and emergency vehicles.

Ms. Melissa Murphy, 910 Claybend Dr, is also concerned about the safety of allowing cars to park on Clayton Ridge Dr. She feels it is a dangerous situation.

Mr. Mike Scott, 634 Kehrs Mill Rd, said that he feels that parking is insufficient for the additional seating capacity.

No one else came forward, and Chairman Weaver closed the public hearing.

Alderman Finley noted that both the property owner and the City put up stop signs (on Clayton Ridge Dr at Clayheath Ct, and coming out of the parking lot at Clayheath Ct) to allay the traffic concerns. He feels that the problem is drivers speeding and not cars being parked on Clayton Ridge Dr.

Mayor Pogue stated that he and Alderman Stallmann have met with trustees of the neighboring subdivisions, including Ms. Murphy, several times. Mr. Jason Riegelsberger, the property manager for the site, and Mr. Biribin also attended one of these meetings. Mayor Pogue feels that the stop signs will help with traffic safety, regardless of parking on Clayton Ridge. A lot of the drivers on the street will use it as a cut-through to avoid the traffic light.

Commissioner Silker asked about the circumstances that led to parking being allowed on Clayton Ridge Dr in 2019. Mayor Pogue said that initially, parking wasn't allowed going back to issues when the Enigma Lounge was in business. After the Enigma Lounge closed, the property owner approached the Board of Aldermen requesting that parking be allowed on Clayton Ridge Dr again.

City Attorney Jones said that the current restrictions on Clayheath Ct. are as follows:

- Clayheath Court, on its west side beginning at Clayton Road and ending at 447 Clayheath Court, no parking between the hours of 5:00 p.m. and 2:00 a.m.
- Clayheath Court, on its west side, approximately 70 feet south of Clayton Road there is a sign stating "No Parking From Here To Corner."
- Clayheath Court, on its west side at the south end, there are posted signs stating "No Parking Between Signs."

Alderman Finley said that in his assessment, the behavior noted by Mr. Ross was more from the Enigma Lounge, a bar open until 1:00 am and frequented by young adults in their 20s. He said the clientele of The Wolf Café is more mature. Alderman Finley said there have not been any complaints regarding any of their patrons or The Wolf Café misusing their liquor license. When a business has demonstrated responsibility in this regard, he is inclined to allow an expansion.

Secretary Pieknik asked about returning Clayton Ridge Dr to "no parking." Mayor Pogue said the concern of the Planning & Zoning Commission with this petition is to determine if parking is sufficient as it stands. The Commission does not have the authority to change whether parking is allowed on Clayton Ridge Dr. City Attorney Jones noted that the Planning & Zoning Commission's recommendation to the Board of Aldermen can include verbiage requiring the petitioner to obtain a cross parking agreement per the staff review report.

Commissioner Silker made a motion to recommend approval of Petition SUE 21-05 to the Board of Aldermen, with the provision that the petitioner secure offsite parking of no less than seven parking spaces. Commissioner Alexander seconded the motion, which received unanimous approval from the Commission members present. Chairman Mark Weaver abstained.

City Attorney Jones stated that City Administrator Sterman suggested that he prepare an ordinance for consideration by the Board of Aldermen at the next meeting (Monday, January 10). Mayor Pogue asked that the item be held over to allow the petitioner to continue the dialog with the neighborhood trustees and the development.

Adjournment

Mayor Pogue made a motion to adjourn the meeting. Commissioner Alexander seconded the motion, which received unanimous approval from the Commission members present. The meeting was adjourned at 7:55 p.m.

J. Mark Weaver, Chairman
Planning & Zoning Commission

AMENDED SPECIAL USE EXCEPTION PETITION REVIEW REPORT

Petition Number: SUE 22-01

Petitioner: Alton M. Klein
620 Arrow Hwy
La Verne, CA 91750

Project Name: Kids Empire

Requested Action: Allowance to Operate an Entertainment Use
Focused Business

Public Hearing Date: May 2, 2022

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

Location: 14856 Manchester Rd, Ste. 6B

Existing Land Use/Zoning: Commercial/C-1

Surrounding Land Use/Zoning: North – Commercial/ C-1
South – Residential/ R-2
West – Commercial/ C-1
East – Commercial/ C-1

Plan Designation: Indoor Children’s Entertainment

Project Description:

Mr. Klein is requesting that Ballwin approve a request to set up his indoor entertainment establishment located at 14856 Manchester Rd, Ste. 6B, to permit 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. The business would fall into the amusement establishment portion of our codified parking requirements: 1 parking space for 200 square feet of floor area. The suite is 15,000 square feet, thereby requiring 75 parking spaces for the establishment. This requirement is met as there are approximately 264 spaces available in the quadrant of Olde Towne Plaza closest to Ballpark Dr. Individually, parking loads are as follows:**

- Planet Fitness: 30,000 sq. ft./ 1 space per 300 sq. ft. = 100 spaces;
- Foss Swim School: 10,000 sq ft/ 1 space per 300 sq. ft. = 30 spaces;
- Texas Roadhouse: 8,000 sq. ft./ 1 space per 200 sq. ft., = 40 spaces and;
- Starbucks: 1,500 sq. ft. / 1 space per 200 sq. ft. = 7.5 spaces

This portion of the shopping center takes up 177.5 spaces. When combined with Kids Empire's expected load requirement of 75 spaces, the total parking need rises to 252.5 spaces, below the total space provision of 264.

- 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. No changes are proposed for the provision of 20% parking reduction.
- 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. No changes are proposed 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. Cross access does currently exist between this site and its adjoining neighbors.

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