

CITY OF MANCHESTER

PLANNING AND ZONING COMMISSION MEETING MINUTES FEBRUARY 23, 2015

COMMISSIONERS

Jason Truesdell, Chairman (2018)
James Labit, Secretary (2016)
Joni Korte (2016)
Tom Brown (2017)
Jack Fluchel (2015)
Mark Smith (2018)
Dave Willson, Mayor

CITY OFFICIALS AND STAFF

Mike Clement, Alderman, Ex-Officio member
Kathy Arnett, Planning and Zoning Director
Melissa Barklage, Recording Secretary

CASES

REPRESENTATIVES OF CASES

NUMBER

- A. **CASE #15-SUP-002** – A request for a Special Use Permit has been made by Elizabeth Ann Maddox of Precision Massage, LLC (formerly Selah Massage Therapies, LLC) for a massage therapist business at 128 Enchanted Parkway, Suite 102. The property is zoned C-1 Commercial District.
- **Elizabeth Ann Maddox**
Precision Massage LLC
16755 Kingstowne Est Dr.
Wildwood, MO 63011
314-412-2048
-
- B. **CASE #15-SUP-003** – A request for a Special Use Permit has been made by Keith Rapp of The Fruit Stand, LLC for outside display of goods and merchandise for temporary or seasonal promotions and sales at 14433 Manchester Road. The property is zoned C-1 Commercial District.
- **Keith Rapp**
The Fruit Stand, LLC
12105 Applerock Dr.
O’Fallon, MO 63368
314-660-0849
 - **Lorrin Charboneau**
The Fruit Stand, LLC
12105 Applerock Dr.
O’Fallon, MO 63368
314-971-2953
-

1. CALL TO ORDER

Commissioner Truesdell called the Planning and Zoning meeting of February 23, 2015 to order at 7:00 p.m.

2. ROLL CALL

Commissioner Truesdell asked the Recording Secretary to take roll.

Commissioner/Secretary James Labit	Present	Chairman Jason Truesdell	Present
Commissioner Jack Fluchel	Present	Commissioner Mark Smith	Present
Commissioner Joni Korte	Present	Alderman Mike Clement	Present
Commissioner Tom Brown	Excused	Director Kathy Arnett	Present
Mayor David Willson	Present	Melissa Barklage, Recording Secy	Present

3. **APPROVAL OF MINUTES**

Commissioner Fluchel made the motion to approve the minutes of January 26, 2015. Motion seconded by Commissioner Labit; motion approved by voice vote. The vote taken was recorded as follows:

<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Excused</u>
6	0	0	1

4. **APPROVAL OF AGENDA**

Commissioner Truesdell asked if there were any changes to the agenda. Commissioner Labit made the motion to approve the agenda as presented. Commissioner Fluchel seconded; motion approved by voice vote. The vote taken was recorded as follows:

<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Excused</u>
6	0	0	1

5. **OLD BUSINESS**

A. **No Old Business**

6. **NEW BUSINESS**

A. **CASE #15-SUP-002** –A request for a Special Use Permit has been made by Elizabeth Ann Maddox of Precision Massage, LLC (formerly Selah Massage Therapies, LLC) for a massage therapist business at 128 Enchanted Parkway, Suite 102. The property is zoned C-1 Commercial District.

Ms. Maddox is speaking for the case today. She moved her business into Manchester six years ago and has been doing well since. She is doing more business than she can by herself so she is expanding to a space in the same building but one floor down. The new space will hold three treatment rooms. She will also be taking on new independent contractors.

Director Arnett then provided the staff report on the case. Director Arnett stated that although this is an existing business that because of her wish to expand into a new unit Ms. Maddox is required to go through the Special Use process again. The suite she plans to occupy was a former salon so there are no new parking requirements. Parking will remain the same. The business already meets all City codes in regards to parking and C-1 zone requirements. The department does recommend approval of the Special Use with one condition that all of her therapists are licensed with the state.

Alderman Clement asked how the City would know that the massage therapists are licensed.

Director Arnett answered stating that the State provides a physical massage therapist license that they will display. The City may also perform an audit at any time to ensure that proper licensing has been maintained. Since the special use is conditioned upon having that license, if at any time we find that they do not have proper licensing, the business would lose its special use permit.

Commissioner Korte asked what the current hours of operation will be. Ms. Maddox stated that her personal hours are Monday evenings, Tuesday days, and Thursday days. However, as she takes on independent contractors there will more Monday through Saturday hours to accommodate more patients.

Alderman Clement asked Ms. Maddox to explain further about what independent contractor means for her business. Ms. Maddox explained that as you hire on a massage therapist they can either be employees or independent contractors. By definition an independent contractor makes their own schedule and only does the work of a massage therapist for the business. Alderman Clement asked how many independent contractors she planned to hire. Ms. Maddox explained she planned to have 2 full-time equivalents which would mean about four additional massage therapists at the business.

Commissioner Labit made the motion to make a favorable recommendation to the Board of Alderman on CASE #15-SUP-002 with the condition that all independent contractors be licensed by the appropriate state authority. Commissioner Smith seconded the motion; it was passed by voice vote. The vote taken was recorded as follows:

<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Excused</u>
6	0	0	1

- B. CASE #15-SUP-003** – A request for a Special Use Permit has been made by Keith Rapp of The Fruit Stand, LLC for outside display of goods and merchandise for temporary or seasonal promotions and sales at 14433 Manchester Road. The property is zoned C-1 Commercial District.

Mr. Keith Rapp began by presenting the case for The Fruit Stand. The Fruit Stand currently has a location at Manchester Road and Mason Road and they have been there since 2007. They are looking to purchase a building in Manchester that will allow them to have a more permanent location and offer more merchandise than where they are now. They look to forward to having electric, a restroom and a cooler space. Mr. Rapp stated that many others in his family also own similar produce businesses. The special use request is for outdoor sales and display that extends about 14 feet out on either side of the building. They do not plan to make any alterations to the building itself. The Fruit Stand specializes in buying produce from not only Produce Row in St. Louis but other local farmers and local growers.

Director Arnett presented the staff report for the case. The Fruit Stand is looking to go into the building currently occupied by Gabi’s Wine & Spirits on the north side of Manchester just east of Baxter Road. The use of this space as a grocery store is an allowable use but the on-going outdoor display is only allowed by special use permit. The Department feels this could meet a need in the community. There is a current trend in fresh foods, organic products, and a shorter turnaround from farm to table that is currently not met by other businesses in Manchester. Staff has evaluated the property for where the outdoor merchandise would best be displayed. Ground level displays in the front of the property are not supported by the Department. The front sidewalk must stay clear for ADA compliance. The roof line in the front is high enough that some hanging baskets could be hung along the roofline to be displayed. The rear of the building is at the property line so nothing can be stored behind the building. The Department does feel that there is minimal space on either side of the building for displays. The sidewalk on the west side of the building is not required for ADA compliance so possibly half of the sidewalk could be used for outdoor display space. The property line is fairly close on this side. On the east side is a grassy area with no sidewalks. The Department feels that ten (10) feet of that side area would be sufficient area for outdoor display. No exterior changes have been proposed. There will possibly be a change to pylon signage. The Department does support approval of the special use with the specified limitations on the display areas.

Commissioner Korte pointed out a discrepancy between what the petitioner has asked for and what the Department suggests as far as space on each side of the building for outdoor display. Commissioner Korte asked the petitioner if we limited their display to ten (10) feet on both sides of the building how much of an impact would it have on them. Mr. Rapp stated that he has display tables that are 8 feet by 3.5 feet so he feels that anything between 12-14 feet would be ideal for them. That would give them space for their tables and adequate space for customers to walk in between the tables. Mr. Rapp said he felt they might be able to work with 10 feet but he didn’t know that is what the Department recommended. Commissioner Korte asked how many parking spaces were available. Director Arnett answered that there are ten spaces available and the zoning code requires only eight. She also added that there are no spaces on the west side of the building. Commissioner Korte asked Mr. Rapp how many parking spaces they have at their current location at Manchester Rd and Mason Rd. Mr. Rapp stated they have about ten or twelve parking spaces.

Mayor Willson pointed out that his information said Ballwin, MO and he wanted to make sure they know the property is in Manchester, MO.

Commissioner Smith asked again about the petitioner’s request for fourteen feet display areas on both sides. Director Arnett explained that she did not receive the fourteen feet request until this evening. On the west side of the building and the measurement in the photo it appears that if they went fourteen feet

it would be off their property. From the survey the petitioner presented it looks that there may only be about ten to twelve feet of property on the west side. The Department would be okay with twelve (12) feet of display space on the east side but would not be able to allow more on the west side due to the lack of property. Commissioner Smith asked if there were any setback requirements for this property. Director Arnett answered that there are no setback requirements or buffer yards in the C-1 Commercial District, when abutting another C-1 zoned property.

Alderman Clement verified again that Director Arnett’s recommendation for space on the east side of the building was ten feet but would consider twelve feet but on the west side only half the side walk would be allowed for outside display. Alderman Clement advised he felt it was something that should be discussed between the Department and the petitioner before they come to the Board of Aldermen. Director Arnett agreed and stated she did have some concerns about allowing the display of merchandise to come into the parking lot which could pose hazards to customers as the lot adjoins with the parking lot for ATA Martial Arts. Alderman Clement encouraged The Fruit Stand to ensure all signage conforms to City Code. Alderman Clement asked if they planned to set up temporary signage. Director Arnett stated that she has previously discussed with the petitioner what type of signage would be allowed at that location. They have the ability to change out their pylon sign. In addition to this they have the option of window and/or wall signage. Nothing temporary will be allowed at the road. Alderman Clement asked the petitioner if they planned to make any updates to the building down the road to differentiate it from the previous alcohol sales business. Mr. Rapp stated they may consider changing the shingles or adding some art to the building.

Commissioner Labit stated that he felt the dumpster appeared to be outside their property from the site plan so they might want to check on that to make sure it is on the property. Commissioner Labit made a suggestion of closing the entrance from Louis Ave. to make more room in the front for display. Director Arnett stated that 44,000 vehicles pass Manchester Road each day so, many drivers use Andersohn Rd. as an alternate route and closing this entrance limits customers to only enter from Manchester Road to get to their business. If they wanted to close the first access from Manchester to their property and use the second entrance which crosses over the property for ATA Martial Arts on the west that could be a possibility but would require a cross access easement agreement between the two businesses. In order for that to occur the petitioner would have to present the request to MODOT.

Commissioner Fluchel stated that he and Commissioner Korte measured the distance on the west side with the site plan given. It appears there may be around 15 feet of space left on the west side. Commissioner Fluchel asked what they would do for the foot traffic on the east side that is in the grass. Mr. Rapp stated that they have a few options available to them including paver stones to be put in the ground. Mr. Rapp also stated they plan to tear down the shrubs that are currently on that side of the building and trim up the trees on that side. Commissioner Fluchel confirmed with Mr. Rapp that his plan for the west side was to assemble the display tables in a C-shape that would allow for the customers to move inside the table displays without being out in the parking lot.

ChairmanTruesdell made the motion to make a favorable recommendation to the Board of Alderman on CASE #15-SUP-003with the condition that only hanging displays be utilized on the front of the building that permit individuals to walk underneath them, and that displays on the sides of the building be limited to 14 feet and that said displays be maintained in aesthetically pleasing manner subject to review by complaining neighbors and City of Manchester Police. Commissioner Fluchel seconded the motion; it was passed by voice vote. The vote taken was recorded as follows:

<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Excused</u>
6	0	0	1

7. PLANNING AND ZONING DIRECTOR’S REPORT

Director Arnett stated that the first meeting in March will most likely be cancelled due to a lack of agenda items. The Department is currently working on plans for the appreciation dinner.

8. EX-OFFICIO'S REPORT

Alderman Clement stated that the Board of Alderman approved the ordinance for the Special Use Permit for the dry cleaners. Also the text amendment was passed by the Board of Aldermen.

9. COMMENTS FROM THE PLANNING AND ZONING COMMISSION

10. ADJOURNMENT

Commissioner Labit made the motion to adjourn the Planning and Zoning Commission meeting of February 23, 2015, at 8:02 p.m. Motion seconded by Commissioner Fluchel; motion approved by voice vote. The vote taken was recorded as follows:

<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Excused</u>
6	0	0	1

Respectfully submitted by:
Melissa Barklage, Recording Secretary

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