



**MINUTES OF THE
PLANNING AND ZONING COMMISSION MEETING
1 GOVERNMENT CTR ♦ BALLWIN MO 63011
NOVEMBER 7, 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
Alderman Mark Stallmann

ABSENT

Mayor Tim Pogue

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

Approval of Minutes

A motion was made by Alderman Stallmann to accept the minutes of the October 3, 2022 meeting as submitted. Commissioner Alexander seconded the motion, which received unanimous approval from the Commission members present.

SUE 22-07 – Restaurant with Sale of Alcohol by the Drink

Siline's, 15581 Manchester Rd, Ballwin MO 63011

Petitioner: Mr. Pierre Lamour & Mr. Drew Bolinger, 14615 Manchester Rd, Manchester MO 63011

Mr. Drew Bolinger addressed the Commission requesting approval for the special use exception to sell alcohol by the drink. The restaurant will serve Haitian and Caribbean style food. He noted that the previous use for the site was a restaurant that did not sell alcohol; however, a sushi restaurant in the same plaza does serve alcohol. The petitioner will not be selling alcohol to be taken from the premises.

Commissioner Swain asked about the hours of operation. Mr. Pierre Lamour addressed the Commission, stating that the hours will be 11:00 am – 1:00 am. Commissioner Beiter asked about the seating capacity, and Secretary Pieknik asked if there will be outdoor seating. Mr. Lamour said that there is seating for 30-50 inside, and plans to have seating for eight outside. Commissioner Carr asked if the petitioner plans to increase protection for the outside seating, in the form of bollards or something similar. Mr. Lamour said he does plan on installing some sort of barrier.

Secretary Pieknik asked how many employees the petitioner has. Mr. Lamour said approximately ten. She asked where the employees would park; he said they will park behind the building.

Chairman Weaver opened the public hearing and asked if anyone wished to speak in favor of Petition SUE 22-07. 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 made a motion to recommend approval of Petition SUE 22-07 to the Board of Aldermen. Commissioner Alexander seconded the motion, which received unanimous approval from the Commission members present.

Capital Improvement Plan Budget (CIP)

Finance Officer Denise Keller presented the 2023 Capital Improvement Plan Budget (CIP) for review per Section 89.380 of the Revised MO Statutes, which states that all improvements to land, infrastructure and public facilities are to be reviewed by this commission before being approved by the Board of Aldermen.

Our CIP only includes true capital projects. These are defined as: *land and building acquisition, major land and building improvements with a cost of \$250,000 or more, and systems reconstruction or replacement with a cost of \$250,000 or more.* We also include all major street, culvert and bridge reconstruction projects that are partially offset by federal grants. Any design or planning work for capital projects is also included in the CIP.

The largest of the City's capital projects in the 2023 budget is the remaining construction of the new police building. Final completion is targeted for May, with expense of \$5.1 million anticipated. An additional \$175,000 is budgeted for demolition of the current building. Funding sources are accumulated and new public safety taxes and operating fund balance that has been committed for infrastructure projects.

Two projects that had been budgeted for 2022 are being re-budgeted for 2023. The first of these is the resurfacing of New Ballwin Road from Manchester Road to Twigwood Drive. This project encompasses pavement resurfacing, curb repair, ADA ramp replacements and upgrades to the intersection pedestrian signal. It also includes 25 new streetlights which will be the property of the city. Bids received this year exceeded budget by more than 80%, so the project was delayed. Bids will be solicited again in early winter in the hopes of generating more competition and lower prices. Total construction cost is anticipated at \$1,257,125 with offsetting federal funds of \$652,863. Federal projects typically pay 80% of construction expense but because of escalated costs we anticipate a reimbursement ratio of just 55%.

The City has been awarded federal funding for the resurfacing of Ries Road as well; preliminary engineering has already begun and will complete in 2023 at a cost of \$51,346. Construction will follow in 2024 at a net cost of \$235,330.

The second re-budgeted project is the redevelopment of Holloway Park which incorporates recommendations from the 2019 Parks Master Plan. These include a new playground, comfort station, and conversion of the lower court for pickle ball play. A Land Water Conservation Fund (LWCF) grant which funds 50% of this project was not awarded until mid-summer, and then bids were difficult to obtain. All of the work is now scheduled in 2023 at a net cost of \$271,300.

The Vlasik Park Master Plan was adopted this year and the improvements are recommended in five phases. The first will occur next year with additional phases tentatively scheduled in 2024 and 2027 contingent on the receipt of Municipal Park Grants to offset the costs. Replacement of the playground in Vlasik and dredging of the detention ponds is planned next year at a total cost of \$938,050. An ARPA stormwater grant of \$226,000 has been applied for to fund the work on the ponds; net cost from the capital budget for Vlasik Park is budgeted at \$137,050.

In 2026 we hope to replace the playground adjacent to The Pointe. The cost is expected to be \$500,000, and we will apply for a LWCF grant of \$250,000. That year we also hope to make improvements to the lake in New Ballwin Park at a cost of \$605,000, with 95% offset by grant funding.

While a preliminary needs analysis of the Public Works yard was performed as part of the Vlasik Park master plan, a more detailed analysis is needed to prepare an accurate estimate of the cost. Expensive equipment needs to be moved under cover and space is at a premium. \$30,000 is budgeted for this study next year and architectural design is budgeted for 2024. Construction could occur as early as 2025 and is preliminarily estimated at \$2,000,000.

In 2023 the City will make its final payment of municipal revenues towards the Olde Towne Center TIF bonds at an anticipated expense of \$64,335. This is calculated based upon the TIF sales tax collections in 2022. It is the final payment because the TIF District terminated in October of this year after having been in existence for 23 years, which is the legal maximum life.

Total expenses for next year in the Capital Projects fund are \$8,182,000. Revenues to fund these projects come from multiple sources and total \$8,200,621. Current tax revenues will generate \$1,286,000; grants will generate \$1,725,163; \$4,400,000 will be transferred from operating fund reserves for public safety and infrastructure; and \$789,458 is unspent amounts from 2022 that will be carried forward to beginning capital fund balance.

Commissioner Carr asked if there are any plans to increase the parking capacity at New Ballwin Park, as it tends to fill up quickly, especially if there is an event. City Administrator Sterman said there are no plans to do so, but he will pass the request along to Parks Director Chris Conway. Secretary Pieknik asked if the City has an agreement with the nearby schools to use their parking lots if needed. City Administrator Sterman said there is no formal agreement, but the City has a good relationship with the schools and when school is not in session, there has never been an issue with residents and visitors parking there.

Commissioner Swain asked if there is a savings to the City to own the 25 new streetlights on New Ballwin Road. Ms. Keller said it will cost the City less than the rate paid to Ameren.

Commissioner Beiter asked about the scope of the Planning & Zoning Commission's consideration of the CIP. City Attorney Jones said the Commission can look at all aspects of the budget. Alderman Stallmann commended all staff who worked on the budget.

Chairman Weaver made a motion to approve the 2023 Capital Improvement Plan Budget. Secretary Pieknik seconded the motion, which received unanimous approval from the Commission members present.

Z 22-01 – Waterford Subdivision Rezoning

Petitioner: Mr. Shawn Edghill, 1 Government Ctr, Ballwin MO 63011

Planning Technician Edghill state that effective January 1, 2021, Waterford subdivision was officially annexed into and became a part of the City of Ballwin. The subdivision comprised the entirety of a pocket of unincorporated St. Louis County between the cities of Ballwin and Ellisville remaining from the 1999 Southwest Annexation. The subdivision is bounded on three sides by the City of Ellisville and on the west, Ballwin's former city limits.

A petition signed at least 75% of the registered voters in the subdivision was submitted, allowing the City of Ballwin to undertake an annexation process known as a Simplified Boundary Change: Annexation. In the Plan of Intent that Ballwin filed with the St. Louis County Boundary Commission, Ballwin stated that it would change the zoning district designation in this area from the current County zoning to the closest approximate Ballwin zoning classification that was appropriate.

According to Missouri case law, the zoning district classification of an annexed property cannot automatically change as the result of an annexation. The court ruled that properties annexed by a jurisdiction retain their previous zoning district classification until the district classification is formally changed.

Planning Technician Edghill said that the rear setbacks are identical; the side and front setbacks are larger under Ballwin's zoning (8' and 70' respectively, as opposed to 6' and 60'). This will only affect homes if there is a complete teardown and rebuild; at that time, the new footprint will have to comply with Ballwin zoning setbacks.

Commissioner Swain asked about trash pickup. Planning Technician Edghill said that the residents are allowed to keep their current trash provider for two years, at which time they will be required to use the provider with whom the City has a contract. If they wish to change prior to the two years, they must do so as an entity, not individuals.

Commissioner Carr asked if the streets in the annexed area are up to the Ballwin's standards. Planning Technician Edghill said they are average for streets in a subdivision of that age.

Chairman Weaver opened the public hearing and asked if anyone wished to speak in favor of Petition Z 22-01. 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 Stallmann made a motion to recommend approval of Petition Z 22-01 to the Board of Aldermen due to lack of response from the petitioner. Commissioner Winfrey seconded the motion, which received unanimous approval from the Commission members present.

Other Business

Chairman Weaver asked if there are any agenda items for the December agenda. Planning Technician Edghill said that at least one restaurant will be on the agenda, as well as the residential business accessory use amendment.

Adjournment

Secretary Pieknik 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 7:37 p.m.

J. Mark Weaver, Chairman
Planning & Zoning Commission