

1 **DRAFT MINUTES**
2 **DES PERES PLANNING & ZONING COMMISSION**
3 **October 10, 2018**
4 **DES PERES GOVERNMENT CENTER**
5

6 The regular monthly meeting of the Planning & Zoning Commission was held at the Des Peres
7 Government Center, 12325 Manchester Rd on Wednesday, October 10, 2018. Chairman John
8 Oeltjen called the meeting to order at 7:01 PM.
9

10 **ROLL CALL**

11 The Administrative Assistant took roll with the following Commissioners present: Chairman John
12 Oeltjen, Vice Chairman Anna Ahrens, Commissioners Kennedy, M. Ahrens, Stevens, Mura,
13 Matheny, McDonald, Barringer, and Jontry. City Counselor Kevin O'Keefe, Director of Public
14 Works Steve Meyer, Mayor Becker and Alderman Barrett were also present.
15

16 **APPROVAL OF MINUTES**

17 Commissioner Matheny moved to approve the September 12, 2018 minutes as presented.
18 Commissioner Stevens seconded the motion. A voice vote was unanimous and the September 12,
19 2018 minutes were approved.
20

21 **AMENDMENT OF THE AGENDA**

22 Chairman Oeltjen requested that New Business be presented ahead of Unfinished Business, since
23 the Unfinished Business was actually a Committee Report.
24 No objections were made, and the change in agenda was approved.
25

26 **NEW BUSINESS**

27 **A. Petition for Site Plan Approval at 1085 West County Center - Copia Wine Bar**

28 Copia Wine Bar met with the Architectural Review Committee on September 27, 2018 with a
29 proposal to change the exterior architectural features of the building and add a patio. The motion
30 to recommend Planning and Zoning approval was unanimously approved with a 2-0 vote.
31 Terry Dawdy, Architect, Dawdy & Associates, presented the changes to the full Planning and
32 Zoning Commission stating the exterior will be painted and given a new face. A sound fence will
33 be installed to mask the sound of cars from West County Center and sail screens will be installed
34 over the new patio for sun protection. There is nothing that changes structurally, only cosmetic
35 changes and improved landscaping.

36 Commissioner Kennedy made a motion to approve the site plan and CUP as presented.
37 Commissioner Mura seconded the motion. The motion carried with the following votes: aye;
38 Oeltjen, A. Ahrens, Kennedy, M. Ahrens, Stevens, Mura, Matheny, McDonald, Barringer, Jontry.
39 Abstain; Mayor Becker, Alderman Barrett
40

41 **B. Petition for Lot Consolidation at 1300 N. Ballas – St. Paul's Lutheran Church**

42 Jared Deimel, Civil Engineering and Design Consultants, presented the lot consolidation to the
43 commission. Currently St. Paul's consists of three lots, and they wish to consolidate into one lot.
44 Commissioner Matheny made a motion to approve the lot consolidation as presented.
45 Commissioner Barringer seconded the motion. The motion carried with the following votes: aye:
46 Oeltjen, A. Ahrens, Kennedy, M. Ahrens, Stevens, Mura, Matheny, McDonald, Barringer, Jontry.
47 Abstain; Mayor Becker, Alderman Barrett

1
2 **C. Petition for Site Plan Approval at 13314 Manchester – Precision Labs**

3 Precision Labs met with an appointed subcommittee consisting of commissioners Stevens, A.
4 Ahrens and Barringer on September 19, 2018 who unanimously voted to support the petition.
5 Their only stipulations were that the handicap parking space, sidewalk and front door be added
6 to the drawings. Mark Miller, attorney for Precision Labs, presented the revised site plan petition
7 to the commission. He stated this blood lab will be sanctioned and licensed by the State of
8 Missouri and will have high quality equipment. All blood draws will be offsite and dropped off for
9 testing. All medical waste will be disposed by a third party that specializes in medical waste.
10 There will be maybe 6 cars in and out daily. Expected hours are to be 9-5 and will not be open to
11 the public.

12 Commissioner Stevens made a motion to approve the site plan as presented. Commissioner Mura
13 seconded the motion. The motion carried with the following votes: aye: Oeltjen, A. Ahrens,
14 Kennedy, M. Ahrens, Stevens, Mura, Matheny, McDonald, Barringer, Jontry.
15 Abstain; Mayor Becker, Alderman Barrett
16

17 **D. Petition for Site Plan Approval at 12304 Manchester – St. Charles Engineering**

18 Mick Weber, Architect, MW Weber Architects presented the site plan petition. The owner
19 (Genedon Corporation) is proposing to add 1,977 square feet of retail space on the east end of
20 the building. New materials and colors are going to match as well as possible to the existing
21 building. The new expansion space does not currently have a proposed tenant but Mr. Weber
22 confirmed the space will maintain the same existing use of light retail. The required 5 spaces per
23 1,000 sqft parking calculations will be met exactly. Chair Oeltjen sent to a subcommittee to report
24 back to the full commission. Commissioners appointed are Barringer, Kennedy and Jontry.
25

26 **OLD BUSINESS**

27 **A. Petition for Rezoning at 12247 Manchester**

28 Petitioner: Mark Disper, owner of The Village Bar

29 Mr. Disper took the podium to address any questions the commission or public had in regards to
30 the project. He also submitted to the Commission Secretary four letters of support from local
31 businesses – St. Paul’s Lutheran Church, The Kaiser Law Firm, Island Dreamers and Racketman.
32 Commissioner Mura gave a summary of the subcommittee meeting held September 25, 2018. The
33 general consensus was that there would be two separate calculations to ensure the distillery
34 remain subordinate to the restaurant: (1) Drink sales by the glass must remain less than food sales
35 (the 51% rule) and (2) Distilled spirits sales by the bottle must also remain less than food sales. It
36 was also recognized that none of the distilled spirits sold by the bottle may be consumed on the
37 property. There was also agreement that all limitations/restrictions apply to the entire site, rather
38 than any one limited legal entity. A. Ahrens moved to recommend approval of the petition to the
39 full P/Z with these restrictions. Commissioner Oeltjen seconded the motion. The motion passed
40 3-1, with Commissioner McDonald being the dissenting vote.

41 Commissioner Mura stated they are trying to find a situation to where it favors everyone’s
42 interests. Some Commissioners would like Des Peres to be open to new concepts but do have
43 concerns to make sure this use remains strictly accessory.

44 Director Meyer explained a portion of the code of the subcommittee was unaware at the time of
45 their meeting. Section 4-1 defines a Restaurant/Bar as “Any establishment having a restaurant or
46 similar facility on premises at least fifty (50) percent of the gross income of which is derived from
47 the sale of prepared meals or food consumed on the premises or which has an annual gross

1 income of at least two hundred thousand dollars (\$200,000.00) from the sale of prepared meals
2 or food consumed on the premises.” The first portion of this definition was known to the
3 subcommittee as the “51% rule”, but they were not aware of the second part.

4 Commissioner McDonald took the podium to address the Commission and public. He read from
5 his “Position Paper” for the record, which is submitted as [Exhibit A](#). Commissioner McDonald
6 explained four areas of his concern as they apply to the petition: 1. Ordinance amending zoning
7 district to incorporate Microbrewery and craft distillery and bottling manufacturing as an
8 approved use to the City’s commercial districts 2. Contrary to the 2003 and 2015 City of Des Peres
9 Comprehensive Plan 3. Invalid uses under Section 406.020 – requirements pertaining to
10 Accessory Uses and Accessory Structures 4. Location of a liquor distillery and bottling
11 manufacturing plant adjacent to Des Peres Park, St. Paul’s Lutheran School, City Hall and adjoining
12 neighborhoods.

13
14 Chair Oeltjen questioned the life/fire safety of the operation in the barn. He claims there is fire
15 rated glass and bulletproof glass, but isn’t sure if there is an explosion proof glass.

16
17 Mr. Disper explained he has been working closely with Eric Hall (previously Fire Captain) Director
18 of Public Safety to ensure this operation will be the safest it can be.

19
20 Chair Oeltjen stated he doesn’t know if Des Peres is equipped for this operation in terms of fire
21 safety and life safety.

22
23 Commissioner Stevens stated he would like Director Hall to give testimony and opinions to the
24 Planning and Zoning Commission in terms of life and fire safety.

25
26 Commissioner A. Ahrens voiced she’d like to see safety plans and to hear from their insurance
27 agent. In her opinion, distillation is no different from making Italian ice or BBQ from Dierbergs.

28
29 Commissioner Stevens stated there is a tremendous difference, and it’s not the same as BBQ or
30 Italian ice. This operation would be very unsafe because of the boilers.

31
32 Mr. Disper argued safety is a main concern in the restaurant too.

33
34 Commissioner McDonald reiterated his concern that distillation is a new and unrelated use, rather
35 than a secondary and accessory use to the restaurant/bar. He went on to explain his concern that
36 there are multiple LLCs in existence, which he asserted as proof that distillation would not be an
37 accessory use to the restaurant/bar, but a separate use by a separate entity.

38
39 Mr. Disper stated there are different entities (LLCs) for different purposes. The LLC he opened
40 most recently is for patents and copyrights.

41
42 Commissioner Barringer asked if revenues from the proposed distillery would be taxed and go to
43 the City.

44
45 Chair Oeltjen responded yes.

1 Mr. Disper stated the City is not receiving any revenue from the unused space or the many banks
2 and this is an opportunity.

3
4 Jim Gorczyca, owner of O'Fallon Brewery, stated 50% of The Village Bar's current revenue is
5 alcohol. Distilling their own alcohol would improve their cost model, because they would be
6 selling their own product rather than buying from suppliers.

7
8 Kevin Lynch, 462 Crofton Ave 63119, patron and insurance broker announced he is the broker for
9 The Village Bar/n, and the operation will be well insured.

10
11 Matt Cramer, 11839 Point Oak 63131, works with many restaurants and bars in the St. Louis area,
12 and the Village Bar needs to be able to compete.

13
14 Dick Mersman, Jr., 12067 Point Oak 63131, a local chef who also home brews beer, pickles and
15 cans, inquired if he'd be considered a manufacturer also because he buys the ingredients and
16 makes a product.

17
18 Jim Oates, 1425 Ridgefield 63131, local resident, asked what defines manufacturing. Build-A-Bear
19 is manufacturing. Is the issue safety or manufacturing itself?

20
21 Rob Walters, 7739 Kingsbury 63105, asked if The Village Bar was losing money would this
22 endeavor be an issue? Why, if profitable, can they not engage in something new?

23
24 Commissioner Barringer questioned how the City will address noise and odor issues.

25
26 Mr. Disper claims odors and smells are different and subjective. All operations are inside the barn
27 and will be quiet.

28
29 Commissioner Stevens stated he'd like an expert witness, a neutral third party, on stills/distilleries
30 to address the Commission to shed light on the whole operation.

31
32 Commissioner McDonald made a motion to send back to subcommittee for further investigation
33 of insurance, witnesses, safety/fire, and accessory uses. Commissioner Mura seconded the
34 motion. Motion was approved by a unanimous voice vote.

35 36 **STATUS REPORT**

37 **A. Board of Aldermen**

38 Alderman Becker reported Mayor Becker formally submitted and the board approved the
39 appointment of Captain Eric Hall as the new Director of Public Safety effective immediately.

40 The Board of Aldermen along with staff have been reviewing the 2019 Budget and should be
41 finalized in late November/December. This Friday October 12, 2018, the Anheuser Busch
42 Clydesdales will be in our City visiting a few businesses along Manchester.

43 44 **B. Committee Reports**

45 The sign committee met September 19 to discuss proposed Sign Code revisions from Ed Sluys,
46 Attorney at Curtis, Heinz Garrett, and O'Keefe. It was decided by the committee to meet in a

1 month to move forward with revisions. Steve will poll the commissioners to see what day/time
2 works best.

3
4 **OTHER ITEMS**

5 **A.** The annual Boards and Commissions gathering is set for November 16, 2018.

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7 **B.** Public Works staff has received a preliminary plat from Pentrex Development for the
8 “Blattner Property” at 641 N. Ballas. Staff has not had a chance to look at the plat and will
9 submit comments within the next week or two to Pentrex. They are expected to be on the
10 November Planning and Zoning Agenda.

11
12 **C.** Robert and Marlene Vancamp at 808 N. Ballas claim the residence at 818 N. Ballas has been
13 demolished and many trees have been removed. They state the owner/developer has installed
14 a culvert and have a gravel road through the property. Steve informed the Vancamp’s there
15 was an approved demolition permit, but staff has not received plans for an infill home. Our
16 Building Official will review the site tomorrow 10/11/18 and get in touch with them.

17
18 **ADJOURNMENT**

19 Commissioner M. Ahrens moved to adjourn the meeting. Commissioner Stevens seconded the
20 motion. Motion was approved by voice vote. The meeting was adjourned at 8:45 pm.

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23
24 _____
25 John Oeltjen, Planning & Zoning Chairman

26 Respectfully Submitted,
27 Alexandra Knox, Administrative Assistant, Public Works