



**MINUTES
PLAN COMMISSION
THURSDAY MARCH 30, 2023 – 1:00 PM**

CHAIRMAN JEFFREY FERNHOFF
JOHN FALK
REED VOORHEES
BRAD WEITEKAMP
SCOTT SMITH
JON EMERT

CITY ATTORNEY, ALEXANDRA SIEVERS
CITY ADMINISTRATOR, BEN DECLUE
DEPUTY CITY CLERK, JOANNE CARR

MEETING CALLED TO ORDER

Chairman Fernhoff called the meeting to order at 1:00 p.m.

ROLL CALL

Present: Chairman Fernhoff, Mr. Voorhees, Mr. Emert, Mr. Weitekamp, Mr. Falk

Absent: Scott Smith

APPROVAL OF MINUTES FROM MARCH 22, 2023

Chairman Fernhoff asked if there were any additions or corrections to the minutes from March 22, 2023. There being some he asked for a motion. Mr. Voorhees moved approval of the minutes as submitted, seconded by Mr. Emert. The motion was approved.

**REVIEW SPECIAL USE REQUEST FOR FARMER'S MARKET STAND ORLANDO'S PRODUCE MARKET
421 N. SAPPINGTON ROAD**

Present: Kody Rapp

Chairman Fernhoff welcomed Mr. Rapp, read off the conditions for the permit and asked Mr. Rapp to tell the Board about his plans for the Farmer's Market.

Mr. Rapp stated that the Farmer's Market would be open every weekend, Friday through Sunday, 8:00 am until 6:00 pm noting that they may add another day. Mr. Rapp stated that Orlando's Produce Market had been in business for 50 years, through 4 generations, noting that this market would be a new venture for the family.

Mr. Weitekamp asked if this market would be similar to operations in other small towns. Mr. Rapp stated that his brother had a location on Manchester Road near the old Wonder Bread store. Mr. DeClue stated that this market would be similar to setups at the Tower Grove Park Farmers' Market.

Mr. Rapp stated that he would be using 8' tables, the site would be more secure and with permission, plan to store some items on site. Mr. Rapp stated that he planned to bring what was needed for the day and had no plan to store produce on site. Mr. Rapp added that tents would come down every weekend and tables would be pushed behind the dumpster.

Mr. Falk asked what would happen to the food at the end of the day, and would the dumpster be used for waste products. Mr. Rapp stated that he planned to give relatives leftover food, adding that it was understood that the dumpster was emptied weekly. Mr. DeClue stated that the removal of food off site could be conditioned within the permit.

Mr. Falk stated that it would be good to have it emptied on Monday and asked Mr. Rapp to check on the status. Mr. Rapp stated that Mr. Mike Vitale, his landlord, could push the pickup to twice a week if necessary. Mr. Falk stated that it was a good plan.

Mr. Falk stated that his second concern was traffic and possible congestion and asked if there were any existing places for excess parking for the current tenants. Mr. Falk asked if there was a plan for overflow parking and if the City would allow parking on their lot. Mr. Rapp stated that he understood that there could be a lot of foot traffic and asked Mr. DeClue if the City would approve the use of the lot for weekend overflow. Mr. DeClue stated that the City would be fine with allowing overflow parking, adding that on the weekend, the north and south parking lots would be available, adding that there was some dedicated parking for the Police Department on the north lot.

Mr. Weitekamp suggested that temporary signage be posted to direct traffic. Mr. Rapp stated that would be done. Chairman Fernhoff asked that the Police Department be advised about the hours of operation, etc. adding that the parking could be an issue. Mr. DeClue stated that all departments would be notified.

Mr. Falk noted that the special use permit limits this endeavor, adding that if the applicant wants to add days, or any other changes, they will need to come back to the Board. Mr. Rapp stated that he could come back. It was noted that the permit could be adjusted easily. Chairman Fernhoff asked about the truck and where it would be parked. Mr. Rapp stated it would be as close as possible to the market and was not refrigerated.

Mr. Voorhees stated that the market was a great idea in the chosen area, agreed that many people walk in the neighborhood and added that it was unfortunate that there was not enough parking on the paved area. Mr. Voorhees asked if the City was planning on continuing the Friday food truck. Mr. DeClue stated that the interest had tapered off and that there would be no food trucks scheduled. Questions were asked about how the cashier would work. Mr. Rapp stated that they had a separate drawer, a calculator and would use a separate table for payments, adding that all the tables would have tent coverage. Mr. Voorhees asked if they thought the market would be secure. Mr. Rapp stated that they would be using the electronic Square system and would accept cash, adding that they thought it would be secure.

Mr. Voorhees asked if there would be other vendors near the market. Mr. Rapp stated that there would be a coffee vendor in the morning and a shaved ice/ice cream vendor in the afternoon.

Mr. Voorhees asked about traffic concerns once the three vendors are running. Mr. Rapp stated that the coffee and shaved ice vendors would share one location, adding that if traffic becomes an issue, he will address the situation with Mr. Vitale noting their relationship was good and that

Mr. Vitale was flexible. Mr. Falk asked if there would a similar special use permit process for the two additional vendors. Mr. DeClue stated that the two vendors would meet with the Board as well for separate permits. Mr. Falk asked if there would be food trucks at the site. Mr. Rapp stated that there would be no food trucks. It was noted that food trucks could infringe on Mr. Vitale's business. Mr. Falk asked about the hours for the market and could the Board limit the hours. Mr. DeClue stated that the permit could dictate hours, adding that it was frequently imposed on restaurants in town, adding that it was standard to note hours and days.

Mr. Rapp stated that they would be open 8:00 am to 6:00 pm, Fridays through Sundays. Mr. Falk was concerned about the 8:00 am start time. Mr. Rapp stated that the time could be tweaked if necessary, adding that Mr. Vitale had talked to all the neighbors at length about the site and also noted that Mr. Vitale represented that they are all excited about this new market. Mr. DeClue noted that if everyone on the Board is in agreement, he will move forward.

Chairman Fernhoff stated that if there are any problems once the market gets started, they can come back to the Plan Commission to modify the permit. Mr. Emert stated that he encouraged signage for parking and noted that it would be better to park in the City Hall parking lot, adding that it would be safer than parking on the southwest lot. Mr. Weitekamp stated that he wanted the permit to require parking signs. Mr. DeClue stated that City Hall was closed on the weekend, adding that the Firefighters would not mind parking in the north lot and the signage requirement could be added to the special use permit.

Mr. Voorhees asked about the placement of the parking signs at the City Hall lot. Mr. DeClue stated that the City did not have signs that indicate public parking. Chairman Fernhoff stated that people often park on E. Essex or on Fuhrmann Terrace. Mr. Rapp stated that they would address the parking signage, adding that he would speak to Mr. Vitale and Moonbeams about the issue.

Chairman Fernhoff asked if there were additional questions or discussions. There were none.

Chairman Fernhoff asked if there was anyone present to discuss the conditional use permit request. There were none.

Chairman Fernhoff moved to recommend that the Special Use Permit be sent to the Board of Aldermen with the following conditions:

- Condition hours of operation,
- include the posting of traffic signage for parking, including the direction of overflow parking to neighboring parking lots.

Mr. Voorhees moved to approve the Special Use Permit with the conditions listed. Chairman Fernhoff seconded the motion which was unanimously approved.

Chairman Fernhoff called for a vote.

Ayes: Mr. Voorhees, Mr. Emert, Mr. Falk, Mr. Weitekamp,
Chairman Fernhoff

Nays: None

Not Present: Mr. Smith

REQUEST FOR FENCE VARIANCE
SAM AND KERRY MASURAT
1015 N. SAPPINGTON ROAD

Present: Mr. Bill Masurat, father of Sam Masurat

Chairman Fernhoff welcomed Mr. Masurat to the zoom meeting.

Mr. Masurat stated that his son was making a variance request by asking for a continuance of a past variance, to enjoy security and safety for their family and dog. Mr. Masurat stated that the house was located on Sappington and Queen Anne, adding that the landscaping and fence would beautify the home and neighborhood and in general, enhance the character of the city through investment in the property. and safety. Mr. Masurat stated that his son had received consent from all his neighbors who were willing to support this effort and added that it would be a well-designed fence.

Mr. Masurat stated that historically, there had been a permitted, 6' shadowbox fence on the property which had been approved years earlier but was removed due to disrepair. Due to the removal of the old fence, as such it ended the grandfathered nature of the 6' fence. Sam Masurat had applied for a fence permit but with the current rules, could only build a 42", 50% open, fence. Mr. Masurat stated that there had been a fence on the property in the past, there never were any complaints, and the neighbors approve of the erection of a 6' fence on the corner adding that he hoped his son could build the new 6' fence.

Mr. Falk stated that the Board was not reviewing location but reviewing for the height and opening requirement adding that this fence would exceed the 42" limit and the 50% open rule. Mr. Masurat stated that the fence would be located along the sidewalk, away from the right of way. Mr. Falk stated that the old approvals defined the location differently along the sidewalk. Mr. Masurat stated that this fence will not create the same problem as the Hawbrook fence.

Mr. Voorhees stated that beginning at the eastern corner, inside the 15' mark the drawings should be tripled checked.

Mr. Masurat stated that there was beautiful landscaping, and no sidewalk. Mr. DeClue stated that the sidewalk was deficient, was below grade and pitched toward the property. The sidewalk was removed. It was noted that if a ramp could be built beyond the turn for pedestrians it would be done. Mr. DeClue stated that the city had not abandoned the right-of-way adding that Mr. Jones would mark the area.

Mr. Emert asked if there was a benefit for a southside ending at the east face of the fence, adding that there did not seem to be much purpose. Mr. Voorhees stated that Glendale was a 'green community' adding that if the big fence was at the back side of the house, it would look better than along the front side. Mr. Masurat stated that the fence would be constructed nicely, with a highly engineered look but not with a heavy look, adding that there was landscaping in place already. Mr. Masurat stated that his son had received a great deal of feedback, adding that the utilities were at the back, the meter would no longer be exposed, and the fence would protect the visual look of landscape. Mr. Voorhees stated that all the landscape would be behind the fence which would be in front of all the nice plantings, adding that there would be no buffer.

Mr. Masurat stated that the trees would exceed the fence's height and would be an improvement and not a deterrent, adding that it would be better than other fences.

Mr. Emert asked if Sam Masurat would be willing to move the fence. Mr. Masurat stated that there was a \$15,000.00 landscape expense that may be damaged by moving the fence east to west. Mr. Emert stated that everything has been well done, and the view of the corner of the house was beautiful, adding that he would be fine with the fence on the southern edge with a return to the back of the house instead of to the front. Mr. Weitekamp noted that it was tied to the house.

Mr. Falk stated that if the fence was 15' from right-of-way, traffic would not be visually obstructed. It was noted that the right of way was 4 or 5' from the roadway. Mr. Masurat stated that there would be trees planted outside of the fence. Mr. Emert stated that the old fence bisected the backyard adding that he would rather see it closer to the street.

Mr. Emert stated that he proposes the fence should stop at the back of the house, with the fence set slightly back, centered between the windows on the side façade. Mr. Emert stated that the placement would allow the tree to be in front of the fence, and still see the brick. Chairman Fernhoff agreed that the fence should be placed outside of the landscaping adding that it was obvious that Sam Masurat cared greatly about his house and his landscaping. Mr. Voorhees stated that the fence seemed too harsh when placed close to the street.

Mr. Masurat stated that Mr. Voorhees was underestimating the care his son was planning in the construction of the fence. Mr. Voorhees asked about the size of the planting strip. Mr. DeClue stated that it was 5' or 6' adding that the right-of-way could not be boxed in. Mr. Masurat stated that the fence would be 5' from the street curbing. Mr. Voorhees stated that it still seemed harsh.

Chairman Fernhoff stated that he liked the compromise in the front yard adding the fence would look good. Mr. DeClue stated that there were no plans for a new sidewalk, adding that the remainder of the street did not have a sidewalk and noted that it would be expensive to regrade the site. Mr. Masurat stated that the grassy right-of-way would help with water mitigation, adding that the gravel street was in relation to the old sidewalk noted in the plans. Mr. Emert asked if mulch would be added to the curb. Mr. Masurat stated that it would be added that it would be maintained.

Chairman Fernhoff asked if there were additional questions or discussions. There were none.

Chairman Fernhoff asked if there was anyone present to discuss the conditional use permit request.

No one was present.

Mr. Emert moved to approve the request and recommended approval with the following conditions:

- the southeastern corner of the fence should return north, on the eastern side of the property line, and centered between the front two windows on the southern façade of the home, with a gate that swings in.

Mr. Falk seconded the motion which was unanimously approved.

Chairman Fernhoff called for a vote.

Ayes: Mr. Emert, Mr. Falk, Mr. Weitekamp,
Chairman Fernhoff

Nays: Reed Voorhees

Not Present: Mr. Smith

MISCELLANEOUS

Mr. Emert stated that there was discussion about the Hawbrook fence which seemed to create a visual impairment due to landscape placement. Mr. DeClue stated that the City has worked with the builder, Pearl Construction, about the fence and noted that the fence was in compliance with City code, however, he was asked to move the fence . In addition, Mr. DeClue stated that the Cedar Atlas had been trimmed up, an Arborvitae had been removed, and the problem has been resolved. Mr. Weitekamp stated that the real problem for the homeowner will be pulling back from the driveway on the Sappington Road.

Ms. Carr would confirm with everyone that a site visit at Glendale Chrysler in April would work. The Board members present all agree that the meeting would work for them.

ADJOURNMENT

Mr. Falk moved to adjourn the meeting following with an onsite meeting at Glendale Chrysler, which was seconded by Mr. Emert. The motion was unanimously approved.

These minutes approved as submitted this 31st day of May, 2023

Joanne Carr, Deputy City Clerk