

City of Bellefontaine Neighbors  
Planning and Zoning Minutes  
October 12, 2020

The meeting was called to order at 7:12 pm by Chairman Barrett.

Present: Commissioners Duhadway, Gordon, Lane, City Engineer Klein, Inspector Raben, Alderman Christian.

Commissioners Borzymowski and White were excused.

Chair asked if there were changes to the P&Z Open Session meeting minutes of September 14, 2020. There were no changes. Member Duhadway made the motion to accept the minutes, Member Gordon seconded the motion. Motion passed unanimously.

Chair asked if members had changes to the revised Closed Session meeting minutes of September 14, 2020. There were no changes to the revised minutes. Member Gordon made a motion to accept the revised closed minutes including ratifying the votes recorded therein (5 yea's and 1 abstain). Member Duhadway seconded the motion. Motion passed unanimously.

**Review Application for 9266 Lewis & Clark Blvd--Ms. Joy Hargrove**

The applicant was not present at the meeting. To date, applicant has not presented a site plan for this business proposal. A conditional use permit is necessary for the use of this facility. Ordinance 2444, passed in 2018 for a proposed Burger King restaurant on the site, was briefly discussed.

**Installation and location of basketball hoops on residential properties**

Inserting location restrictions for basketball hoops into Section 29-29 or Section 29-82 was discussed. After much debate, Members concluded the root problem was noise generated when playing basketball along with time of play and recommended changes regarding basketball play to be included in the newly passed nuisance ordinance. The suggestion was made to include the phrase "All basketball play to stop at dusk."

**Food Truck Draft Bill**

Alderman Christian presented a well-researched document regarding food truck operations in the St. Louis metropolitan area. There was a lengthy discussion regarding how this proposed new business could affect our citizens, churches and city properties.

Preliminary discussion involved food trucks not to be in service for more than two consecutive days, the cost of permit fees, and the possibility of conditional use permits. Permits could be issued by the day or by hours of operation. It was agreed we would review this matter again after having more time to review the draft presented.

### **Discuss Sign Ordinances in Section 29 Zoning Regulations**

There was as a discussion regarding concern that our current ordinances regarding sign regulations may affect freedom of speech. After much discussion, review of the City of Ladue v. Gilleo and review of recommendations by the City Attorney where it was stated that Sec. 29-91(6)(a) & Sec. 29-91(6)(e) would be *arguably unconstitutional*, the Commission took the term *arguably* at face value and voted unanimously the subject ordinances pose no reasonable curtailment to freedom of speech.

Member Gordon made a motion to adjourn the meeting. Member Duhadway seconded the motion. Motion passed unanimously. Chair adjourned the meeting at 9:48 pm.

Respectfully submitted,

Wanda Lane

#### Recommendations:

1. Follow up on 9266 Lewis & Clark proposed site plan
2. Determine placement of basketball activity in nuisance ordinance
3. Review proposed food truck bill