



FEBRUARY 12, 2020

PLANNING AND ZONING COMMISSION

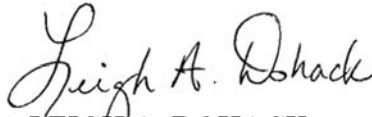
Posted 4:00 p.m., Thursday, February 6, 2020

7:00 P.M. CITY OF ELLISVILLE CITY HALL

- I. Call to Order – Chairman Curtis Boggs
- II. Pledge of Allegiance
- III. Roll Call
- IV. Approval of Agenda
- V. Approval of Minutes – January 8, 2020
- VI. Public Hearing
 - 1) The Planning and Zoning Commission will discuss and consider a City-initiated petition for Text Amendments to Title IV, Land Use, Chapter 400: Zoning Regulations, of the Municipal Code of the City of Ellisville, Missouri, pertaining to point of sale signage and safe packaging and labeling requirements for medical marijuana dispensary facilities.

Action on Petition #20-02-01
- VII. Adjournment

Respectfully submitted,


LEIGH A. DOHACK
City Clerk

The City of Ellisville is working to comply with the American With Disabilities Act mandates. Individuals who require an accommodation to attend a meeting should contact City Hall, 636-227-9660 (V/TDD) at least 48 hours in advance.

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City of Ellisville

PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES

Meeting Date: January 24, 2020

TABLE OF CONTENTS

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES – DECEMBER 11, 2019
6. PUBLIC HEARING
 - A) Petition #20-01-01. Petition of Autumn View Apartments, LLC for approval of (1) Rezoning from PRD Planned Residential District (an obsolete zoning designation) to (2) C-5 Planned District Commercial with (3) Associated Site Development Plan, to allow the construction and operation of a multi-family residential apartment complex at the location known and numbered as 16216 Autumn View Terrace Drive, within the PRD (now obsolete zoning designation) Zoning District of the City of Ellisville.
7. ADJOURNMENT

PLANNING AND ZONING COMMISSION MEETING SUMMARY

1. **CALL TO ORDER:** Chairman Boggs called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE:** Commissioner Burtelow led the Pledge of Allegiance.
3. **ROLL CALL**

Present

Absent

Chairman Boggs
John Ellebrect
Rajiv Gupta
Nancy Bengtson
Jim Burtelow
Sandie McGrath
Marilyn Niebling
Al Tamulaitis
Rob Compton
Cindy Parnell, Assistant City Attorney

A quorum was present for the meeting.

Also present were City Planner Hood, Councilmember Reel, and Mayor Roemerman

4. **APPROVAL OF AGENDA**

A motion was made by Commissioner Ellebrect to approve the Agenda as written and was seconded by Commissioner Bengtson. The votes were as follows:

Aye

Nay

Abstain

Absent

Chairman Boggs
John Ellebrect
Rajiv Gupta
Nancy Bengtson
Jim Burtelow
Sandie McGrath
Marilyn Niebling
Al Tamulaitis

Rob Compton

-
5. **APPROVAL OF MINUTES**

A motion was made by Commissioner Compton to approve the December 11, 2019, Regular Meeting Minutes as written. Commissioner Niebling proposed an amendment to the minutes correcting the spelling of her last name. It was seconded by Commissioner Ellebrect.

<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Chairman Boggs John Ellebrecht Rajiv Gupta Nancy Bengtson Jim Burtelow Sandie McGrath Marilyn Niebling Al Tamulaitis Rob Compton			

7. PUBLIC HEARING

Petition #20-01-01. The petition of Autumn View Apartments, LLC for approval of (1) Rezoning from PRD Planned Residential District (an obsolete zoning designation) to (2) C-5 Planned District Commercial with (3) Associated Site Development Plan, to allow the construction and Operation of a multi-family residential apartment complex at the location known and numbered As 16216 Autumn View Terrace Drive, within the PRD (now an obsolete zoning designation) Zoning District of the City of Ellisville.

Assistant City Attorney Parnell read the exhibit list.

- Exhibit 1 Certified copy of Municipal Code
- Exhibit 2 Zoning District Map
- Exhibit 3 Comprehensive Plan
- Exhibit 4 Notice published in *The Legal Ledger* on December 23, 2019
- Exhibit 5 Notice published in *The Countian* on December 24, 2019
- Exhibit 6 Public Posting of Notice on December 27, 2019
- Exhibit 7 Letter mailed to abutting property owners within 185 feet on December 26, 2019.
- Exhibit 8 Application Cover Sheet
- Exhibit 9 Application for Rezoning, with attached plans
- Exhibit 10 Application for Planned Development, with attached plans
- Exhibit 11 Application for Site Plan Review, with attached plans
- Exhibit 12 Letter from Bernard Raemy to City Planner
- Exhibit 13 Grimes Consulting Cost Estimate dated December 3, 2019
- Exhibit 14 Traffic & Parking Technical Memorandum dated November 21, 2019
- Exhibit 15 Terraspec Landscape Plan Review dated November 15, 2019
- Exhibit 16 E-mail from Ken Keitel to City Planner dated December 15, 2019

Exhibit 17 City Planner's Memo dated January 2, 2020

Exhibit 18 City Planner's Memo dated January 6, 2020

Chairman Boggs opened the Public Hearing and Planner Hood and the applicants were sworn in.

Planner Hood gave a summary of the project at 16216 Autumn View Terrace. Hood said that the applicant is proposing to rezone this property to Planned Commercial C-5 and build an apartment complex consisting of 6 new buildings, a clubhouse, and a pool. Planner Hood stated that the development is consistent with the Comprehensive Plan and would be limited to multi-family residential. Hood stated that the plan meets the minimum requirements set forth in the City's Ordinance. The City's third party traffic consultant's report stated that it will not result in any significant negative impacts related to traffic, sight distance, circulation or parking. Planner Hood said that the applicant will need to revise their lighting plan to comply with all lighting requirements.

Jim Wisler, Consulting Engineer, said he was present to answer any questions and summarized the project as well. Commissioner Compton asked if anyone had considered enclosing the stairwells. The builder spoke and stated that it is an upscale project and he likes the look but could consider a closed stairwell if necessary. Commissioner Bengtson asked if there were any parking garages. The applicant stated that there are 18 garages and 60 carport spaces. Commissioner Niebling asked if the applicant would consider more trees on the east side hill. Applicant stated that he would be willing to work with staff on that. Commissioner McGrath asked if sod might be a better idea than seed and straw on the hillside. Also asked about a play area for small children. Applicant stated there is not one planned at this time. Commissioner Tamulaitis voiced concerns over the lack of pedestrian access to the road. Commissioner Gupta expressed concerns over traffic cutting through the area.

Ryan Olson, 16303 Autumn View Terrace: Opposed. Has concerns about increased traffic and displacing wildlife.

Jared Hux, 2277 Cimson View Drive: Opposed. Concerned about traffic and wildlife.

Eric Sturman, Wildwood resident: Opposed

James Hamilton, 16264 Autumn View Terrace: Opposed. Apartments to be built within 185 feet of his home. Doesn't see a need for more apartments and never thought that this space would be occupied when he bought his home.

David Landsbaum, Wildwood Resident: Opposed

Michel LaRosa, Wildwood Resident: Opposed

Cardyn Alvarez, Wildwood Resident: Opposed

Matt Gassel, 16309 Autumn Crest Ct: Opposed. Concerned with the number of apartments already in the area surrounding his property. Also has safety and traffic concerns.

Ryan Payne, 2290 Downey Terrace Drive: Opposed. Safety concerns for his young children playing outside.

Amy Abbott, 2205 Crimson View Drive: Opposed. Concerned about the increase in traffic when adding this number of families in an apartment complex. Also has concerns about the height of the new buildings.

Rachel Cook, 16315 Autumn View Terrace Drive: Opposed. Doesn't think other complex's in the area are at capacity and this is not needed.

Paul Stafford, Wildwood resident: Opposed.

Catie Rogan, 2288 Crimson View Drive: Opposed. Has concerns about the increase in traffic.

Rick Erdtmann, Wildwood resident: Opposed.

Catherine Worley, 2317 Crimson View Ct: Opposed. Has concerns about the increase in traffic. Thinks it poses a safety concern.

Pam Edmonds, Wildwood resident: Opposed.

Jamie Bretz, 2329 Crimson View Ct: Opposed. Grew up in the area. Will now have a view of apartments in their backyard. Also has traffic and safety concerns.

Carrie Kaver, 16308 Autumn View Terrace: Opposed. Traffic concerns

Dean Voigt, 16302 Autumn Crest Ct: Opposed. Stated that the subdivision pays the highest property taxes. Would rather have villas built there. Fears deterioration of apartment complex.

John Erdel, 2280 Crimson View Dr: Opposed to rezoning to Commercial.

Wayne Chauncey, 16289 Autumn View Dr: Opposed. Already crowded city and very busy road.

Etta Roemerman, 16273 Autumn View Terrace: Opposed to C-5 Commercial Zoning. Has concerns about property values, wildlife displacement, and traffic increases.

Jeremy West, Wildwood resident: Opposed.

Chairman Boggs closed the Public Hearing.

Commissioner Niebling asked Planner Hood to list the current apartment communities within the City of Ellisville.

After the Public Hearing, Commissioner Compton moved to forward a positive recommendation to the City Council, as written. The motion was seconded by Commissioner Ellebrecht. The votes were as follows:

Aye

Chairman Boggs
John Elebrecht

Nay

Rajiv Gupta
Nancy Bengtson
Jim Burtelow
Sandie McGrath
Marilyn Niebling
Al Tamulaitis
Rob Compton

Abstain

Absent

10. ADJOURNMENT

Chairman Boggs adjourned the meeting at 8:45 p.m.

Respectfully Submitted,

Holly Woodland

DRAFT



City of Ellisville

Memo

To: Chairman Curtis Boggs and Members of the Planning and Zoning Commission

From: Ada Hood, City Planner 

Meeting

Date: February 12, 2020

Re: City-initiated petition for Text Amendments to Title IV, Land Use, Chapter 400: Zoning Regulations, of the Municipal Code of the City of Ellisville, pertaining to point of sale signage and safe packaging and labeling requirements for medical marijuana dispensary facilities.

PROCESS

All text amendments to the land use regulations require a public hearing at the Planning and Zoning Commission level, a recommendation from the Planning and Zoning Commission, a public hearing at the City Council level and a decision via an ordinance.

PROPOSED CHANGES

Adding language pertaining to point of sale signage and safe packaging and labeling requirements for medical marijuana dispensary facilities. The draft language is attached for your review.

RECOMMENDATION

Staff recommends the Planning and Zoning Commission holds a public hearing to solicit input on the proposed text amendments, as required by code, and forwards a favorable recommendation to the City Council.

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SPONSORED BY: _____
INTRODUCED BY: _____

BILL NO. _____
ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE IV: LAND USE, CHAPTER 400: ZONING REGULATIONS, SECTION 400.340, OF THE MUNICIPAL CODE OF THE CITY OF ELLISVILLE, TO ADD REQUIREMENTS FOR MEDICAL MARIJUANA DISPENSARY FACILITY SIGNAGE.

WHEREAS, the City has initiated a petition for text amendments to Title IV, Land Use, Chapter 400: Zoning Regulations, Section 400.340, of the Municipal Code of the City of Ellisville, to add requirements for medical marijuana dispensary facility signage; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City of Ellisville on February 12, 2020, pursuant to legal notices and Title IV, Land Use, of the Municipal Code of the City of Ellisville, to amend said land use regulations, and the Planning and Zoning Commission forwarded a favorable recommendation of said petition to the City Council; and

WHEREAS, a public hearing was held by the Council of the City of Ellisville on February 19, 2020, to amend said land use regulations pursuant to legal notices and Title IV, Land Use, of the Municipal Code of the City of Ellisville, to amend said land use regulations; and

WHEREAS, all persons present at such hearings were given an opportunity to be heard and were heard; and

WHEREAS, the Council finds that amendment of said land use regulations will not adversely affect the character of the neighborhood, traffic conditions, fire hazards, public utility facilities and other matters pertaining to the public health, safety and general welfare of the community; and

WHEREAS, a copy of the proposed Ordinance was made available for public inspection prior to its consideration by the Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ELLISVILLE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1: Title IV, Land Use, Chapter 400: Zoning Regulations, Section 400.340 Regulations for Medical Marijuana Related Uses, of the Municipal Code of the City of Ellisville is hereby amended to by adding a new subsection (B), as follows:

Section 400.340(B)

B. Additional Regulations Applicable to Medical Marijuana Dispensary Facilities.

BILL NO. _____

ORDINANCE NO. _____

1. *Signage.* All Medical Marijuana Dispensary Facilities shall display signage that meets the following requirements:
 - a. Includes the word “ATTENTION” in red capital letters with a font at least 1 ½ inches in height or twice the height of the font size used on other interior signage for marijuana or marijuana-infused products distributed by the facility, whichever is largest:
 - b. Includes all of the following statements in capital letters in a font size at least ¾ of an inch in height or as large as the font size used on other interior signage or for marijuana or marijuana infused products distributed by the facility, whichever is largest:
 - i. PLEASE SAFELY STORE MARIJUANA AND MARIJUANA-INFUSED PRODUCTS IN ORIGINAL PACKAGING AND OUT OF THE REACH OF CHILDREN.
 - ii. DRIVING WHILE UNDER THE INFLUENCE OF COGNITIVE OR PHYSICAL IMPAIRMENT FROM THE USE OF MARIJUANA IS A CRIME.
 - iii. IT IS A CRIME TO DISTRIBUTE OR ATTEMPT TO DISTRIBUTE MEDICAL MARIJUANA TO ANY INDIVIDUAL OTHER THAN A QUALIFIED PATIENT OR PRIMARY CAREGIVER.
 - iv. THE U.S. FOOD AND DRUG ADMINISTRATION HAS NOT APPROVED CANNABIS FOR THE TREATMENT OF ANY DISEASE OR CONDITION.
 - c. Is displayed within three (3) feet of any point of sale of marijuana or marijuana-infused products.

SECTION 2: This Ordinance shall be in full force and effect from and after its passage and approval by the Council.

This Bill No. _____ having been read by title or in full two times prior to passage and having been duly considered and voted upon was finally passed and approved this _____ day of _____, 2020.

First Reading votes:
DATE: _____

Second Reading votes:
DATE: _____

	AYE	NAY	ABSTAIN
CHISMARICH	_____	_____	_____
McGRATH	_____	_____	_____
REEL	_____	_____	_____
CAHILL	_____	_____	_____
POOL	_____	_____	_____
DUFFY	_____	_____	_____
ROEMERMAN	_____	_____	_____

	AYE	NAY	ABSTAIN
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

ATTEST:

CITY CLERK

CITY OF ELLISVILLE

MAYOR MIKE ROEMERMAN

Approved as to legal content and form:

City Attorney

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on the recording in a manner that does not significantly obstruct the recorded view; and

B. Is installed in a manner that will prevent the video camera from being readily obstructed, tampered with, or disabled;

6. A facility shall make a reasonable effort to repair any malfunction of security equipment within seventy-two (72) hours after the malfunction is discovered. A facility shall notify the department within twenty-four (24) hours after a malfunction is discovered and provide a plan of correction.

A. If a video camera used pursuant to this section malfunctions, the facility shall immediately provide alternative video camera coverage or use other security measures until video camera coverage can be restored, such as assigning additional supervisory or security personnel, to provide for the security of the facility. If the facility uses other security measures, the facility must immediately notify the department, and the department will determine whether the other security measures are adequate and for what amount of time those other security measures will be acceptable.

B. Each facility shall maintain a log that documents each malfunction and repair of the security equipment of the facility. The log must state the date, time, and nature of each malfunction; the efforts taken to repair the malfunction and the date of each effort; the reason for any delay in repairing the malfunction; the date the malfunction is repaired and; if applicable, any alternative security measures that were taken. The log must also list, by date and time, all communications with the department concerning each malfunction and corrective action. The facility shall maintain the log for at least one (1) year after the date of last entry in the log;

7. Each facility shall employ a security manager who shall be responsible for—

A. Conducting a semiannual audit of security measures to ensure compliance with this subsection and to identify potential security issues;

B. Training employees on security measures, emergency response, and theft prevention and response within one (1) week of hiring and on an annual basis;

C. Evaluating the credentials of any contractors who intend to provide services to the facility before the contractor is hired by or enters into a contract with the facility; and

D. Evaluating the credentials of any third party who intends to provide security to the facility before the third party is hired by or enters into a contract with the facility; and

8. Each facility shall ensure that the security manager of the facility, any facility agents who provide security for the facility,

and the employees of any third party who provides security to the facility have completed the following training:

A. Training in theft prevention or a related subject;

B. Training in emergency response or a related subject;

C. Training in the appropriate use of force or a related subject that covers when the use of force is and is not necessary;

D. Training in the protection of a crime scene or a related subject;

E. Training in the control of access to protected areas of a facility or a related subject;

F. Not less than eight (8) hours of training at the facility in providing security services; and

G. Not less than eight (8) hours of classroom training in providing security services.

(I) The department may issue public notice of a medical marijuana recall if, in its judgment, any particular medical marijuana presents a threat to the health and safety of qualifying patients. All facilities are responsible for complying with recall notices. Recalled items must be immediately pulled from production or inventory and held until such time as the department determines the item is safe, may be remediated, or must be destroyed.

(J) Medical marijuana that fails testing or is subject to a recall must either be destroyed by any facility in possession of that medical marijuana or, at the election of the facility from which the failed test or recalled item originated, and with approval of the department, may be remediated, if possible.

1. Remediated medical marijuana must pass all testing required by 19 CSR 30-95.070;

2. Facilities may only elect to remediate any particular medical marijuana once.

(K) All cultivation, infused products manufacturing, and dispensary facilities shall ensure that all medical marijuana is packaged and labeled in a manner consistent with the following:

1. Facilities shall not manufacture, package, or label marijuana—

A. In a false or misleading manner;

B. In any manner designed to cause confusion between a marijuana product and any product not containing marijuana; or

C. In any manner designed to appeal to a minor;

2. Marijuana and marijuana-infused products shall be sold in containers clearly and conspicuously labeled with:

A. “Marijuana” or a “Marijuana-infused Product” in a font size at least as

large as the largest other font size used on the package; and

B. “Warning: Cognitive and physical impairment may result from the use of Marijuana” in a font no smaller than seven- (7-) point type;

3. Any marijuana or marijuana-infused products packaged for retail sale before delivery to a dispensary must be packaged in opaque, re-sealable packaging designed or constructed to be significantly difficult for children under five (5) years of age to open but not normally difficult for adults to use properly. Any marijuana or marijuana-infused products not packaged for retail sale before delivery to a dispensary must be packaged by the dispensary upon sale to a qualifying patient or primary caregiver in opaque, re-sealable packaging designed or constructed to be significantly difficult for children under five (5) years of age to open but not normally difficult for adults to use properly. All edible marijuana-infused products must be packaged for retail by the infused-products manufacturer before transfer to a dispensary;

4. Marijuana and marijuana-infused products shall bear a label displaying the following information, in the following order:

A. The total weight of the marijuana included in the package:

(I) For dried, unprocessed marijuana, weight shall be listed in ounces or grams;

(II) For concentrates, weight shall be listed in grams; or

(III) For infused products, weight shall be listed by milligrams of THC;

B. Dosage amounts, instructions for use, and estimated length of time the dosage will have an effect;

C. The THC, tetrahydrocannabinol acid, cannabidiol, cannabidiol acid, and cannabinol concentration per dosage;

D. All active and inactive ingredients, which shall not include groupings of ingredients that obscure the actual ingredients, such as “proprietary blend” or “spices”;

E. In the case of dried, unprocessed marijuana, the name, as recorded with the Missouri Secretary of State, of the cultivating facility from which the marijuana in the package originated and, in the case of infused products, the name of the infused-product manufacturer, as recorded with the Missouri Secretary of State; and

F. A “best if used by” date;

5. No branding, artwork, or other information or design elements included on marijuana or marijuana-infused products shall be placed in such a way as to obscure any of the information required by this section;

6. Marijuana and marijuana-infused product packaging shall not include claims of