



# City of Ellisville

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## PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES

Meeting Date: March 11, 2020

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**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 Bengtson led the Pledge of Allegiance.

3. **ROLL CALL**

**Present**

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

**Absent**

John Ellebrecht

A quorum was present for the meeting.

Also present were City Planner Hood, Councilmember Reel, and Councilmember McGrath

4. **APPROVAL OF AGENDA**

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

**Aye**

Nancy Bengtson  
Jim Burtelow  
Sandie McGrath  
Marilyn Niebling  
Al Tamulaitis  
Rob Compton  
Chairman Boggs  
John Ellebrecht  
Rajiv Gupta

**Nay**

**Abstain**

**Absent**

John Ellebrecht

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5. **APPROVAL OF MINUTES**

A motion was made by Commissioner Compton to approve the February 12, 2020, Regular Meeting Minutes as written. It was seconded by Commissioner McGrath.

**Aye**

Nancy Bengtson  
Jim Burtelow  
Sandie McGrath  
Al Tamulaitis  
Rob Compton  
Chairman Boggs  
Rajiv Gupta

**Nay**

**Abstain**

Marilyn Niebling

**Absent**

John Ellebrecht

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**7. PETITIONS FOR RECOMMENDATION**

**Petition #20-03-01. Petition of BeLeaf Medical LLC for a conditional use permit to allow the operation of a medical marijuana dispensary facility at the location known and numbered as 16075 Manchester Road, within the C-3 Commercial Zoning District of the City of Ellisville, Missouri.**

Planner Hood stated that the applicant is requesting a conditional use permit to allow the operation of a medical marijuana facility. The security plans were submitted to the City and the Chief of Police reviewed them and found them acceptable. Planner Hood said that there will be no outside storage. The City's third party traffic consultant also assessed the proposed use and determined that a traffic study is not warranted. Hood stated that the applicant will install street trees and sidewalk luminaires and will request waivers from the City Council on required buffers and landscaping within the vehicular use area. Planner Hood would like to add that the applicant will need to coordinate with staff to ascertain compliance in the photometric plan regarding lighting requirements.

The applicant spoke and discussed the amount of traffic they expect. He stated that they only expect 5-7 customers per hour.

Commissioner Bengtson questioned the number of parking spaces available. Planner Hood explained the 40 parking spaces.

Commissioner Niebling asked about the outside trash enclosure, the disposal of unused product, and lighting on the outside of the building. The applicant stated that they will work with the City on the appearance and security of the trash enclosure. Applicant shared the process of weighing and accounting for all product each day and stated that if the lighting is an issue it will be addressed.

Commissioner Bengtson asked what type of security would be provided for customers in the parking lot. Applicant doesn't believe that parking lot security will be an issue and thinks that the Ellisville Police Department is capable of keeping guests safe. Commissioner McGrath asked about the maximum number of employees. Applicant stated that typical staff is 4 people but there may be an additional person or two during shift change.

Commissioner Compton moved to waive the public hearing and forward a favorable recommendation to the City Council of the aforementioned Petition #20-03-01, subject to the following condition(s):

1. The applicant agrees to comply with all City regulations pertaining to Medical Marijuana uses; and
2. That the applicant adds a note to the security plan and site plan indicating compliance with Ordinance #3448 pertaining required signage at points of sale; and

3. That the applicant installs street trees, subject to final approval by staff; and
4. That the applicant coordinates with staff to ascertain compliance with the lighting requirements as per Section 400.492; and
5. That the applicant installs sidewalk luminaires in compliance with Section 400.493; and
6. That the City Council grants a waiver for the required buffers, planting strip and landscaping within the vehicular use area.

The motion was seconded by Commissioner Tamulaitis. The votes were as follows:

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

**Petition #20-03-02. Petition of Finn Capital Group LLC for issuance of a conditional use permit to allow the operation of an adult day care center at the location known and numbered as 15434 Manchester Road within the C-3 Commercial Zoning District of the City of Ellisville, Missouri.**

Planner Hood stated the property is the former St. Louis Tile Company. The property is currently zoned C-3 Commercial and thus will require a CUP in order to operate as an adult day care center. The center will offer specialized activities for seniors with dementia, Alzheimer's and other medical needs. Hood stated that the City's third-party traffic consultant briefly assessed the proposed use and determined that a traffic study is not warranted. This site is accessed via a signalized intersection. The existing site does not comply with the buffer requirements, nor the landscaping required. The City's landscape architect has prepared a landscape plan which brings the site into closer compliance. Planner Hood said that staff would ask that the property owner consider installing sidewalk luminaires along Manchester Road. Planner Hood stated that she doesn't anticipate any negative impact.

The applicant spoke and summarized the facility and activities that will take place. Applicant shared a video of a current operating facility. Commissioner Gupta asked about the hours of operation. Applicant stated 8:30 a.m. until 4:30 p.m. Commissioner Compton asked if they provide transportation for members. Applicant stated that at this time, they are just a drop off facility. Compton also asked if they had any space for outdoor activity and the applicant replied no. Commissioner Bengtson stated that she thinks this is a great idea. She asked if meals will be catered and if the facility does training of permanent staff. Applicant stated that there is a nurse on staff and that other staff members come from a senior helpers franchise. Commissioner McGrath asked how many people the center is anticipating and the applicant replied 70-100.

Commissioner Compton moved to waive the public hearing and forward a favorable recommendation to the City Council of the aforementioned Petition #20-03-02, subject to the following condition(s):

1. That the City Council approves a waiver to the parking requirements; and
2. That the applicant implements the landscaping recommended by the City's third-party landscape architect (as shown in the recommended landscape plan) prior to occupancy; and

3. That the City Council agrees to the landscape waivers recommended by the City's third-party landscape architect; and
4. That the applicant installs 5 bike racks; and
5. That the property owner agrees to prepare a cross access easement across the property and to the south and east property lines, and that the easement is recorded with St. Louis County, prior to occupancy; and
6. That the property owner voluntarily installs sidewalk luminaires along Manchester Road (the sidewalk luminaire requirement is not triggered by the application).

The motion was seconded by Commissioner Bengtson. The votes were as follows:

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

## 8. PUBLIC HEARING

**Petition #20-03-03. Petition of Salty Spa, LLC for Text Amendments to Title IV, Land Use, Chapter 400: Zoning Regulations, of the Municipal Code of the City of Ellisville, pertaining to massage parlor/massage therapy definitions and regulations.**

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 <i>The Countian</i> on February 18, 2020           |
| Exhibit 5 | Application Cover Sheet received February 28, 2020                     |
| Exhibit 6 | Application for Text Amendment received January 25, 2020               |
| Exhibit 7 | Letter from Natalia McKinstry to City Attorney dated February 24, 2020 |
| Exhibit 8 | City Planner's Memo dated March 4, 2020                                |

Chairman Boggs swore in Planner Hood, Dane Carlson, Irina Carlson, and Natalia McKinstry. Chairman Boggs opened the Public Hearing.

Dane Carlson, owner of the Salty Spa, LLC spoke. Stated that he currently provides Halo-Therapy and considers his business a wellness center. He discussed some of the therapies he offers to his customers. Applicant stated that he would like to add some services and grow his business. The product he would like to add is a leg compression sleeve. This type of use does not meet the high standards of the City's definition of a "Massage Therapy Service." Applicant is requesting to amend the definition of Massage Parlor by removing the following: ...Notwithstanding anything to the contrary, no mechanical electric apparatus or appliances referenced immediately above shall be barred when used in a business that is not offering manual massage.

Applicants attorney spoke on his behalf. Discussion ensued among the commissioners. Applicant agreed to a continuance.

Commissioner Compton moved to continue until the next meeting in April. The motion was seconded by Commissioner McGrath. The votes were as follows:

**Aye**

Nancy Bengtson  
Jim Burtelow  
Sandie McGrath  
Marilyn Nieblilng  
Al Tamulaitis  
Rob Compton  
Chairman Boggs  
Rajiv Gupta

**Nay**

**Abstain**

**Absent**

John Ellebrecht

**9. ADJOURNMENT**

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

Respectfully Submitted,

Holly Woodland