



City of Ellisville

PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES

Meeting Date: April 10, 2019

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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 Burtelow led the Pledge of Allegiance.
3. **ROLL CALL**

Present

Nancy Bengtson
Jim Burtelow
Sandie McGrath
Suzanne Gundlach
Curtis Boggs
John Ellebrecht
Shari Newby
Cindy Parnell, Assistant City Attorney

Absent

Al Tamulaitis
Rob Compton

A quorum was present for the meeting.

Also present were City Planner Hood, Councilmembers Reel and McGrath.

4. **APPROVAL OF AGENDA**

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

Aye

Nancy Bengtson
Jim Burtelow
Sandie McGrath
Suzanne Gundlach
Curtis Boggs
John Ellebrecht
Shari Newby

Nay

Abstain

Absent

Al Tamulaitis
Rob Compton

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5. **APPROVAL OF MINUTES**

A motion was made by Commissioner Ellebrecht to approve the March 13, 2019, Regular Meeting Minutes, as written, and was seconded by Commissioner Bengtson. Hearing no questions or discussions, the votes were as follows:

Aye

Nancy Bengtson
Jim Burtelow
Sandie McGrath
Suzanne Gundlach
Curtis Boggs
John Ellebrecht

Nay

Abstain

Shari Newby

Absent

Al Tamulaitis
Rob Compton

6. PETITION(S) FOR RECOMMENDATION

Petition #19-04-01: Request of Aldi Food Market for a Conditional Use Permit to allow the sale of liquor at 15907 Manchester Road within the C-3 Commercial Zoning District.

Planner Hood stated that this is a straight forward application.

Commissioner Gundlach moved to waive the Public Hearing and forward a positive recommendation, as written, without any recommendations.

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

Aye

Nancy Bengtson
Jim Burtelow
Sandie McGrath
Suzanne Gundlach
Curtis Boggs
John Ellebrecht
Shari Newby

Nay

Abstain

Absent

Al Tamulaitis
Rob Compton

7. PUBLIC HEARING(S)

- 1) Petition #19-04-02: The Planning and Zoning Commission will discuss and consider City-initiated petitions for Text Amendments to Title IV, Land Use, Chapter 400: Zoning Regulations, of the Municipal Code of the City of Ellisville, pertaining to definitions, regulations and permitted zoning districts for medical marijuana uses, including medical marijuana cultivation facilities, medical marijuana dispensary facilities, medical marijuana testing facilities and medical marijuana manufacturing facilities.**
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Chairman Boggs opened the Public Hearing

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 Countian* on February 20, 2019
- Exhibit 5 Notice published in *The Countian* on March 25, 2019
- Exhibit 6 Notice published in *West Newsmagazine* on March 6, 2019
- Exhibit 7 Notice published in *West Newsmagazine* on April 3, 2019
- Exhibit 8 City Planner's memo dated March 6, 2019
- Exhibit 9 City Planner's memo dated April 3, 2019
- Exhibit 10 Missouri Medical Cannabis Trade Association Guidance for Amendment 2
- Exhibit 11 International City/County Management Association commercial cannabis article dated October 17, 2018
- Exhibit 12 Draft City ordinance with text amendments for March 13, 2019 hearing
- Exhibit 13 Draft City ordinance with text amendments for April 10, 2019 hearing
- Exhibit 14 E-mail from Commissioner Bengtson dated March 12, 2019
- Exhibit 15 E-mail from Planner Hood dated March 12, 2019
- Exhibit 16 Draft rules for Missouri Code of State Regulations Title 19, Division 30, Chapter 95
- Exhibit 17 Zoning Map with 500 Foot Buffers From Schools, Day Cares, and Churches
- Exhibit 18 Zoning Map with 1000 Foot Buffers From Schools, Day Cares, and Churches
- Exhibit 19 Missouri Constitutional Amendment 2, Article XIV Missouri Constitution

Planner Hood was sworn in. Stated that this is a City initiated text amendment to adopt regulations for medical marijuana. Hood summarized the ordinances.

Commissioner Bengtson said she noticed that other cities had broken out each item instead of lumping them all together and asked Planner Hood why we didn't break the items up. Commissioner Bengtson said she would like to vote on each issue separately. Bengtson would like to see rehab facilities added. She also suggested that the word "may" be used instead of "shall" in reference to the hours of operation. Bengtson has concerns about the lighting required.

Commissioner McGrath had concerns with odor. Planner Hood stated that the performance standards already in place will be sufficient. McGrath also questioned why we were proposing a 500 foot buffer instead of 1000. Assistant Attorney, Parnell stated that 1000 feet is the maximum and that we don't want to zone out these businesses.

Commissioner Gundlach questioned the hours of operation in item 5, paragraphs A & B. Planner Hood stated that the hours are for the public and doesn't include hours employees may be present.

Commissioner McGrath questioned why dispensaries need to be open until 2 a.m. Planner Hood stated that the Commission could make its own recommendation, but reminded the commission that there are 24-hour pharmacies, and that cities were encouraged to treat dispensaries similar to pharmacies. Gundlach questioned why we aren't allowing them to be open for 24 hours. Commissioner McGrath asked if the hours of operation can be reworded.

Chairman Boggs questioned whether or not the City is large enough for cultivation.

Commissioner McGrath voiced concerns over manufacturing in commercial zones due to some history of explosions.

Commissioner Gundlach has concerns about rushing the process. Wants to ensure that we aren't endangering residents and other Ellisville businesses by not properly regulating manufacturing facilities.

Commissioner Burtelow suggested having distance requirements between facilities.

Discussion ensued among the Commissioners.

Andy DiCarlo, 15941 Heather Glen Drive, spoke in favor. His team his applying for a dispensary license. Team members would consist of nurses and pharmacists. Looking to open a single dispensary and believes it can be tastefully done. Stated that there is a real need for this medicine in this community.

Chairman Boggs closed the Public Hearing.

Commissioner McGrath made a motion to forward a favorable recommendation of the aforementioned Petition #19-04-02, subject to the following condition(s):

That the following modifications be made to the draft ordinance attached hereto as Exhibit A:

- 1) That the location restriction be changed from 500 feet to 1,000 feet; and
- 2) That outdoor and indoor cultivation be permitted in the WNU Wildwood Non-Urban Residential Zoning District; and
- 3) That outdoor cultivation be conditionally permitted in the C-4 Ellisville Business Park Zoning District and the M-1 Light Industrial Zoning District; and
- 4) That indoor cultivation be permitted in the C-4 Ellisville Business Park Zoning District and the M-1 Light Industrial Zoning District; and
- 5) That manufacturing facilities be conditionally permitted in the C4 Ellisville Business Park Zoning District and the M-1 Light Industrial Zoning District; and
- 6) That testing facilities be permitted in the C-4 Ellisville Business Park Zoning District and the M-1 Light Industrial Zoning District; and
- 7) That dispensary facilities be permitted in the C-3 Commercial Zoning District, the C-4 Ellisville Business Park Zoning District, and the M-1 Light Industrial Zoning District; and
- 8) That the language in Section 400.340 (5A) be changed to read "Sales and distribution of Medical Marijuana or any other products sold to the public through a Medical Marijuana Dispensary Facility may be extended until 2:00 a.m."

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

Aye

Nancy Bengtson
Jim Burtelow
Sandie McGrath

Nay

Abstain

Absent

Al Tamulaitis
Rob Compton

Suzanne Gundlach
Curtis Boggs
John Ellebrecht
Shari Newby

8. ADJOURNMENT

Chairman Boggs adjourned the meeting at 8:35 p.m.

Respectfully Submitted,

Holly Woodland