

**CITY OF ELLISVILLE  
COUNCIL MEETING**

**April 15, 2020**

Due to the Saint Louis County Executive Order restricting gatherings of more than 10 individuals from high risk groups the April 15, 2020 Regular Council meeting was held via live videoconference. A link was provided on the City's website for all that wanted to join the videoconference.

Mayor Roerman served as the host of this videoconference meeting and opened this Regular Meeting at 7:22 p.m. In attendance were via videoconference were Council Members Chismarich, McGrath, Reel, Cahill, Pool, and Duffy.

Also present via videoconference were: City Manager Schwer, City Attorney Restovich, City Planner Hood, Chief Steve Lewis, Parks and Recreation Director Blumer, Administrative Services Director Cary, and City Clerk Dohack.

All those in attendance via videoconference recited the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Council Member Duffy moved to approve the evening's agenda, seconded by Council Member McGrath. The votes on the approval were "AYES".

**APPROVAL OF MINUTES**

Mayor Roerman moved to approve the minutes from the March 18, 2020 Regular Council Meeting. The motion was seconded by Council Member Duffy. The votes were: Chismarich "AYE", McGrath "AYE", Reel "ABSTAIN", Cahill "AYE", Pool "AYE", Duffy "AYE", and Roerman "ABSTAIN".

**PUBLIC COMMENTS I**

There were no public comments.

**RECIPT/FILING PLANNING AND ZONING RECOMMENDATIONS/REPORTS**

Mayor Roerman moved to receive and file of the following Planning and Zoning Commission's recommendation:

- A. Receipt and filing of Planning and Zoning Commission's positive recommendation dated April 10, 2020 relative to the petition of Nirvana Bliss V, LLC for a conditional use permit to allow the operation of a medical marijuana dispensary facility at the location known and numbered as 15396-15398 Manchester Road, within the C-3 Commercial Zoning District of the City of Ellisville, Missouri.

The motion was seconded by Council Member Duffy. The votes were: Chismarich "AYE", McGrath "AYE", Reel "AYE", Cahill "AYE", Pool "AYE", Duffy "AYE", and Roerman "AYE".

## **PUBLIC HEARINGS**

### **16075 Manchester Road (BeLeaf Medical LLC), medical marijuana dispensary facility CUP**

Mayor Roemerman opened the public hearing regarding the 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. City Attorney Restovich entered the following exhibits for purposes of this hearing: Exhibit 1, Certified copy of Municipal Code; Exhibit 2, Zoning District Map; Exhibit 3, Comprehensive Plan; Exhibit 4, Notice published in *The Countian* on March 25, 2020; Exhibit 5, Public Posting of Hearing Notice on March 5, 2020; Exhibit 6, Letter mailed to abutting residents within 185 feet dated March 24, 2020; Exhibit 7, Applicant's Cover Sheet received February 26, 2020; Exhibit 8, Application for Conditional Use Permit, with attached plans, received February 26, 2020; Exhibit 9, Email from Julie Nolfo to City Planner dated February 19, 2020; Exhibit 10, Letter from Eric Morff to City Council dated February 13, 2020; Exhibit 11, Letter from Eric Morff to Planning and Zoning Commission dated February 13, 2020; Exhibit 12, Terraspec Landscape Plan Review #1 dated March 6, 2020; Exhibit 13, SWADE CUP Plan dated February 11, 2020 with additional landscaping notations; Exhibit 14, Planning and Zoning Commission positive recommendation dated March 12, 2020; and Exhibit 15, City Planner's Memo dated March 12, 2020.

Kevin Riggs and Eric Morff representing BeLeaf Medical LLC, and City Planner Hood were sworn in. Mr. Riggs began the discussion pertaining to the petition request for conditional use permit. Mr. Riggs noted concerns pertaining to the luminaires installation recommendation and that he spoke to the landlord about this requirement. Mr. Riggs stated that the lighting installation in a multi-tenant space could not be committed to at this time. Council Members continued the discussion about the requirements that have been outlined and what is expected if businesses are going to move into the City. Discussion ensued about the lack of sidewalk and the what would be required to install the luminaires including tearing up the parking lot. Mr. Riggs noted that maybe at a later date this requirement could be revisited.

There were no public comments for this public hearing.

Mayor Roemerman closed the public hearing.

### **15434 Manchester Road (Finn Capital LLC – Town Square), adult day care CUP**

Mayor Roemerman opened the public hearing regarding the petition of Finn Capital LLC for issuance of a conditional use permit to allow the operation of an adult day care center at the location known and numbered at 15434 Manchester Road within the C-3 Commercial Zoning District of the City of Ellisville, Missouri. City Attorney Restovich entered the following exhibits for purposes of this hearing: Exhibit 1, Certified copy of Municipal Code; Exhibit 2, Zoning District Map; Exhibit 3, Comprehensive Plan; Exhibit 4, Notice published in *The Countian* on March 25, 2020; Exhibit 5, Public Posting of Hearing Notice on March 25, 2020; Exhibit 6, Letter mailed to abutting residents within 185 feet dated March 24, 2020; Exhibit 7, Applicant's Cover Sheet received February 11, 2020; Exhibit 8, Application for Conditional Use Permit, with attached plans, received February 28, 2020; Exhibit 9, Letter from Sandro Mai to City Planner dated March 5, 2020; Exhibit 10, Email from Julie Nolfo to City Planner dated February 12, 2020; Exhibit 11, ALTA Land Title Survey of Ellisville Shopping Center; Exhibit 12, Ellisville Shopping Center Tenant Roster and Map; Exhibit 13, Ellisville Shopping Center Tenant Equipment Condition Report; Exhibit 14, St. Louis County Assessor 2019 Real Estate Information and Real Property

Tax Bill; Exhibit 15, Terraspec Landscape Plan Review #1 dated February 28, 2020; Exhibit 16, Town Square Advertising Brochure; Exhibit 17, Town Square Executive Summary, Description of Business and Marketing Report; Exhibit 18, Planning and Zoning Commission positive recommendation dated March 12, 2020; Exhibit 19, Public Walk Luminaires, Sidewalk and Asphalt Shoulder Plan Recommendations dated March 10, 2020; Exhibit 20, Cross-Access Easement Plan Recommendations; Exhibit 21, Email from Sandro Mei to City Planner dated March 9, 2020; Exhibit 22, Email from Sandro Mei to City Planner dated April 3, 2020; and Exhibit 23, City Planner's Memo dated March 12, 2020.

Michael Finn, Mark Bowers, Sandro Mei and Lee Kolbram representing the petitioner, and City Planner Hood were sworn in. Mr. Finn, the franchise owner, provided a presentation pertaining to the proposed adult day care noted that this business would fill the gap for those needing additional care but not being in a full time care facility. Discussion continued pertaining to the recommendations about cross access and bike racks. Mr. Mei noted that a request has been made to waive all of the recommendations. Council Members asked about the number of franchises that were open nationwide and the number of people the facility could support. Mr. Brower stated that 14 franchises have been sold and there are two facilities open at this time. Mr. Finn noted that the facility could handle about 100 guests.

There were no public comments for this public hearing.

Mayor Roemerma closed the public hearing.

15396-15398 Manchester Road (Nirvana Bliss V, LLC), medical marijuana dispensary facility CUP

Mayor Roemerma opened the public hearing regarding the petition of Nirvana Bliss V, LLC for a conditional use permit to allow the operation of a medical marijuana dispensary facility at the location known and numbered as 15396-15398 Manchester Road, within the C-3 Commercial Zoning District of the City of Ellisville, Missouri. City Attorney Restovich entered the following exhibits for purposes of this hearing: Exhibit 1, Certified copy of Municipal Code; Exhibit 2, Zoning District Map; Exhibit 3, Comprehensive Plan; Exhibit 4, Notice published in *The Countian* on March 25, 2020; Exhibit 5, Public Posting of Hearing Notice on March 25, 2020; Exhibit 6, Letter mailed to abutting residents within 185 feet dated March 24, 2020; Exhibit 7, Applicant's Cover Sheet received March 6, 2020; Exhibit 8, Application for Conditional Use Permit, with attached plans; Exhibit 9, Letter from Bradford Goette to City Council dated March 13, 2020; Exhibit 10, Letter from Chris Graville to City Attorney dated April 8, 2020; Exhibit 11, Letter from Chris Graville to City Council dated April 3, 2020; Exhibit 12, Terraspec Landscape Plan Review #1 dated April 1, 2020; Exhibit 13, Email from City Planner to Planning and Zoning Commission dated April 7, 2020 with traffic engineer's recommendation; Exhibit 14, Cross Access Recommendation Plan; Exhibit 15, Applicant's Missouri Department of Health and Senior Services Medical Marijuana Dispensary License; Exhibit 16, Planning and Zoning Commission positive recommendation dated April 10, 2020; Exhibit 17, City Planner's Memo dated April 9, 2020; and Exhibit 18, Applicant's Security Plan received April 14, 2020.

Bradford Goette, Austin Fitzgerald, Bill Bierman, Ashley Weber, and Chris Graville representing the petitioner, and City Planner Hood were sworn in. Mr. Goette led the presentation for the proposed dispensary noting that Nirvana Bliss scored in the top 5<sup>th</sup> percentile for license application and they are invested in the community. Ms. Weber and Mr. Fitzgerald discusses the space within the shopping center and the security plan for the business. Attorney Chris Graville

discussed the recommendations and the waiver request for these items. Mr. Graville noted with the property owner was not amenable to implement any of the recommendations to the shopping center. Discussion continued from the Council Members pertaining to the retail portion of the facility and how it would be separate area from the dispensary area. Discussion also took place pertaining to the dumpster area for the shopping center and it was noted that this would be addressed by Code Enforcement as this is a requirement for the center. Additional discussion ensued about reviewing the recommendations in 18 months.

There were no public comments for this public hearing.

Mayor Roemerman closed the public hearing.

## **LEGISLATION**

### **Ord. #3451, 16075 Manchester Road (BeLeaf Medical LLC – SWADE), Medical Marijuana Dispensary Facility CUP**

Council Member Duffy introduced Bill #3676, AN ORDINANCE AUTHORIZING ISSUANCE OF A CONDITIONAL USE PERMIT TO BELEAF MEDICAL, LLC 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. Council Member Duffy moved for consideration and perfection of Bill #3676, seconded by Council Member Reel.

Discussion ensued pertaining to the luminaires installation. Council Member Reel moved to amend Bill #3676 (Section 1, #5) to read as follows:

5. *That Petitioner agrees within 18 months to petition the City Council to reconsider the installation of sidewalk luminaires in compliance with Section 400.493.*

The motion to amend was seconded by Council Member Cahill. The votes on the amendment were: Chismarich “NAY”, McGrath “AYE”, Reel “AYE”, Cahill “AYE”, Pool “AYE”, Duffy “NAY”, and Roemerman “NAY”.

The votes on the first reading of Bill #3676, as amended, were: Chismarich “AYE”, McGrath “AYE”, Reel “AYE”, Cahill “AYE”, Pool “AYE”, Duffy “AYE”, and Roemerman “AYE”. Council Member Duffy introduced Bill #3676, as amended, for final passage, AN ORDINANCE AUTHORIZING ISSUANCE OF A CONDITIONAL USE PERMIT TO BELEAF MEDICAL, LLC 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. Council Member Duffy moved for final passage of Bill #3676, as amended, seconded by Council Member Cahill. The votes on the second reading of Bill #3676, as amended, were: Chismarich “AYE”, McGrath “AYE”, Reel “AYE”, Cahill “AYE”, Pool “AYE”, Duffy “AYE”, and Roemerman “AYE”. Bill #3676 becomes ORDINANCE #3451.

### **Ord. #3452, 15434 Manchester Road (Finn Capital, LLC-Town Square), Adult Day Care CUP**

Council Member Reel introduced Bill #3677, AN ORDINANCE AUTHORIZING ISSUANCE OF A CONDITIONAL USE PERMIT TO FINN CAPITAL GROUP, LLC 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. Council Member Reel moved for consideration and perfection of Bill #3677, seconded by Council Member Duffy.

Discussion ensued pertaining to the conditions and requirements for landscaping, cross-access and sidewalk luminaires. Mayor Roemerma moved to amend Bill #3677 removing all the conditions noted in Section 1(#1-4), seconded by Council Member Duffy. The votes on the amendment were: Chismarich “AYE”, McGrath “AYE”, Reel “AYE”, Cahill “AYE”, Pool “AYE”, Duffy “AYE”, and Roemerma “AYE”.

Mayor Roemerma also moved to amend Bill #3677 Section 3 and Section 4 to read as follows:

**SECTION 3:** *The Council hereby waives the required buffers, planting strip and landscaping within the vehicular use area and approved the existing landscaping, as is.*

**SECTION 4:** *The Council hereby waives the bike rack requirement at the Property.*

The additional motion to amend was seconded by Council Member Duffy. The votes on this amendment were: Chismarich “AYE”, McGrath “AYE”, Reel “AYE”, Cahill “AYE”, Pool “AYE”, Duffy “AYE”, and Roemerma “AYE”.

The votes on the first reading of Bill #3677, as amended, were: Chismarich “AYE”, McGrath “AYE”, Reel “AYE”, Cahill “AYE”, Pool “AYE”, Duffy “AYE”, and Roemerma “AYE”. Council Member Reel introduced Bill #3677, as amended, for final passage, AN ORDINANCE AUTHORIZING ISSUANCE OF A CONDITIONAL USE PERMIT TO FINN CAPITAL GROUP, LLC 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. Council Member Reel moved for final passage of Bill #3677, as amended, seconded by Council Member Duffy. The votes on the second reading of Bill #3677, as amended, were: Chismarich “AYE”, McGrath “AYE”, Reel “AYE”, Cahill “AYE”, Pool “AYE”, Duffy “AYE”, and Roemerma “AYE”. Bill #3677 becomes ORDINANCE #3452.

Ord. #3453, 15396-15398 Manchester Road (Nirvana Bliss V, LLC), Medical Marijuana Dispensary Facility CUP

Council Member Chismarich introduced Bill #3679, AN ORDINANCE AUTHORIZING ISSUANCE OF A CONDITIONAL USE PERMIT TO NIRVANA BLISS V, LLC TO ALLOW THE OPERATION OF A MEDICAL MARIJUANA DISPENSARY FACILITY AT THE LOCATION KNOWN AND NUMBERED AS 15396-15398 MANCHESTER ROAD, WITHIN THE “C-3” COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Chismarich moved for consideration and perfection of Bill #3679, seconded by Council Member Reel.

Discussion ensued request to waive all conditions as noted in Bill #3679. Mayor Roemerma moved to amend Bill #3679 removing the conditions noted in Section 1(#2-9), seconded by Council Member Pool. The votes on the amendment were: Chismarich “AYE”, McGrath “AYE”, Reel “AYE”, Cahill “AYE”, Pool “AYE”, Duffy “AYE”, and Roemerma “AYE”.

Mayor Roerman also moved to amend Bill #3678, Section 2 to read as follows:

**SECTION 3:** *The Council hereby waives the required buffers, planting strip and landscaping within the vehicular use area and approved the existing landscaping, as is.*

The additional motion to amend was seconded by Council Member Duffy. The votes on this amendment were: Chismarich "AYE", McGrath "AYE", Reel "AYE", Cahill "AYE", Pool "AYE", Duffy "AYE", and Roerman "AYE".

The votes on the first reading of Bill #3679, as amended, were: Chismarich "AYE", McGrath "AYE", Reel "AYE", Cahill "AYE", Pool "AYE", Duffy "AYE", and Roerman "AYE". Council Member Chismarich introduced Bill #3679, as amended, for final passage, AAN ORDINANCE AUTHORIZING ISSUANCE OF A CONDITIONAL USE PERMIT TO NIRVANA BLISS V, LLC TO ALLOW THE OPERATION OF A MEDICAL MARIJUANA DISPENSARY FACILITY AT THE LOCATION KNOWN AND NUMBERED AS 15396-15398 MANCHESTER ROAD, WITHIN THE "C-3" COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Chismarich moved for final passage of Bill #3679, as amended, seconded by Council Member Pool. The votes on the second reading of Bill #3679, as amended, were: Chismarich "AYE", McGrath "AYE", Reel "AYE", Cahill "AYE", Pool "AYE", Duffy "AYE", and Roerman "AYE". Bill #3679 becomes ORDINANCE #3453.

**PUBLIC COMMENTS**

There were no public comments at this time.

**MAYOR/COUNCIL BUSINESS/REPORTS**

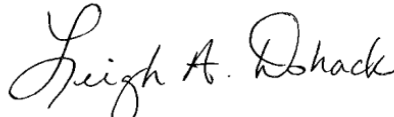
There were no reports.

**ACTIVE COMMITTEE STATUS/UDPATES**

There were no updates.

Mayor Roerman adjourned the meeting at 9:52 p.m.

Respectfully submitted,



LEIGH A. DOHACK  
City Clerk