

MEETING MINUTES

**Planning and Zoning Commission Meeting
Meeting Date: January 11, 2023**

Chairman Foster called meeting to order at 7PM .

<u>ROLL CALL</u>	<u>PRESENT</u>	<u>ABSENT</u>
Lee Foster.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Nancy Bengtson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marilyn Niebling.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kameron Lawson.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mindy Kelley.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Becker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Al Tamulaitis.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Scatizzi	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Also present were:

City Planner Ada Hood, City Attorney Brian Malone, Traffic Consultant Julie Nolfo, Council Member Compton, Council Member Cahill and AJ Jones

APPROVAL OF AGENDA

Commissioner Bengtson moved to approve the Agenda, as written, and was seconded by Commissioner Lawson.

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Lee Foster.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nancy Bengtson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marilyn Niebling.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mindy Kelley.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kameron Lawson.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Becker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Al Tamulaitis.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Scatizzi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

APPROVAL OF MEETING MINUTES

Commissioner McGrath moved to approve Meeting Minutes of December 14, 2022 and was seconded by Commissioner Lawson.

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Lee Foster.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nancy Bengtson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

January 11, 2023

Marilyn Niebling.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mindy Kelley.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kameron Lawson.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Becker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Al Tamulaitis.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Scatizzi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

PUBLIC HEARING

- A. Petition 23-01-01: The Planning and Zoning Commission will discuss and consider the petition of Brandon Sebald/Brew Crew LLC, for approval of an amendment to the “C-5” Planned Commercial District and site development plan approved by Ordinance 3479, to authorize a Seven Brew Drive Thru Coffee as a permitted use at the property at the location known and numbered as 309 Clarkson Road, within the City of Ellisville, Missouri.

Chairman Foster opened the public hearing. Attorney Malone read the exhibit into the record. Chairman Lee Foster swore in city planner Ada Hood, traffic consultant Julie Nolfo, applicant attorney Chris Graville, applicant Jordan Srote, applicant Robert Srote, business franchisee Brandon Sebald. The applicant’s attorney Chris Graville gave a presentation summarizing the project. He emphasized the operation would not have food service and stated the applicant would be willing to add this provision in the ordinance if necessary. He also added that the business model does not allow for ordering ahead. He stated employees come to the cars in the queue to take their order and to deliver the orders. He stated the request is to amend the enabling ordinance and the previously approved site development plan. Attorney Graville added that access onto Field Avenue is proposed for egress only. He also added that MoDOT’s comments have been incorporated into the current site development plan. He emphasized the operation is a grab and go coffee use. He added that no new trips are created.

Chairman Foster asked about lighting and whether it would impact abutting neighbors. Attorney Graville indicated that they do not have a lighting plan at this time, but that he did not anticipate an issue. Attorney Graville also stated that the proposed fence will help with lighting and to mute sound. Commissioner Mindy Kelley asked about southbound traffic and the conflict created when they want to make a left hand turn into the site, while customers on the site want to make a left-hand turn out. Applicant Jordan Srote stated customers will exit onto Clarkson Road not on Field Avenue. Traffic consultant Julie Nolfo stated that egress on Field Avenue is primarily intended for the trash hauler, but customers could exit onto Field Avenue if they changed their mind early in the queue. Commissioner Nancy Bengtson asked about the detention basin and about the music that was referenced. Attorney Graville indicated some locations do provide music, but that the music would not be loud at this location. He added that the applicant would be willing to cut out the music between certain hours if necessary. Commissioner Bengtson asked about delivery to the building. The applicant replied the delivery trucks would park on site and make deliveries directly to the building. Commissioner Bengtson, then asked about the number of locations in the United States. Mr. Sebald indicated that there are over 30 locations already built. Chairman Foster asked if there would be outdoor speakers. Attorney Graville stated the applicant would be willing to agree to reduce the hours speakers were played. Chairman Foster then asked about the trash haulers circulation on the site and about the stacking distance to Clarkson Road for cars waiting to exit. Commissioner Nancy Bengtson then asked the applicant if they would be willing to restrict access onto Clarkson Road to right-in and right-out only. Attorney Graville stated that MoDOT did not require such restriction and were OK with full access. Commissioner Kameron Lawson commented that on-site backups would cause customers to exit onto Field Avenue. Attorney Graville stated they would be willing to install signage to encourage exit onto Clarkson Road only. Applicant Jordan Srote added that employees will help direct traffic. Commissioner Lawson asked where employees parked. Mr. Sebald indicated all employees would park on the lot. Secretary Al Tamulaitis asked how long customers wait to get their drinks and the time capacity of the

queue. Mr. Sebald indicated it takes 3 to 4 minutes for customers to get their drinks and that there is approximately 20 minutes of queuing available. Attorney Graville stated that one side of the building would be dedicated to customers biking to the site or walking to the site. Chairman Foster stated that the two drive-through lanes merge into one and then asked how much stacking was available after customers after they pick up their drink. Traffic consultant Julie Nolfo stated there is capacity for two vehicles stacking. She also added that the use pulls from existing traffic on Clarkson Road and that during peak hours, customers were not likely to turn left onto the site or turn left out of the site. Commissioner Sandie McGrath asked about on site traffic backing up as they wait for cars to exit onto Clarkson Road. Attorney Graville indicated employees would help meter traffic. Commissioner McGrath then asked about the trash haulers circulation route. Applicant Jordan Srote indicated the trash hauler would come in from Clarkson Road, pick up the trash, then back up, then exit onto Field Avenue. Commissioner McGrath stated she would like to see the applicant give cross access at this time, even though cross access could not be built at this time. Attorney Graville agreed. Commissioner McGrath asked about the maximum number of employees. Attorney Graville indicated there would be eight employees on maximum shift and that the site does not provide customer parking. He added that the applicant would be willing to add signs notifying people that on-site parking was for employees only. Chairman Foster asked how much grade/fill would be added to the site. Applicant Jordan Srote indicated they would not raise the building. Commissioner McGrath asked traffic consultant Julie Nolfo, if the city could install no parking signs on Field Avenue. Traffic consultant Nolfo indicated it would be up to the City Council. Commissioner Niebling asked about the hours of operation and emphasized the importance of cross access and urged the applicant to install an upgraded and aesthetically appealing trash dumpster.

Chairman Foster opened the hearing for public comment:

1. Bernie Barton, 1224 Field Ave. Bernie Barton, 1224 Field Ave. in opposition
2. Sarah Fox, 1218 Field Ave. in opposition
3. Rachel Scheffing, 1255 Field Ave. in opposition
4. Laura Harper 1143 Field Ave. in opposition
5. Jan Boehm, 1173 Field Ave. in opposition
6. Boyd Bellmakers, 1154 Field Ave. in opposition
7. Ed Fasnacht, 849 Field Ave. in opposition
8. Pam Marquard, 1148 Field Ave. in opposition
9. Emily Laboube, 1137 Field Ave. in opposition
10. Dave Goessmann, 1201 Field Avenue in opposition
11. Mahmoud kaaki, 1213 Field Ave. in opposition
12. Albert Kemp, on behalf of Terry Kemp, 1263 Field Ave. in opposition

Chairman Foster closed to the public hearing.

Commissioner McGrath moved to continue the petition to the February Planning and Zoning Commission meeting. Commissioner Mike Becker second the motion.

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Lee Foster.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Nancy Bengtson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marilyn Niebling.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mindy Kelley.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kameron Lawson.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Becker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Al Tamulaitis.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

John Scatizzi

Commissioner Bengtson move to forward a positive recommendation to the City Council, including all staff recommendations, and the requirement to eliminate outdoor speakers. It was second it by Commissioner Niebling.

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Lee Foster.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Nancy Bengtson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marilyn Niebling.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mindy Kelley.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kameron Lawson.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Becker	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Al Tamulaitis.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Scatizzi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- B.** Petition 23-01-02: 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; Sections 400.090, 400.260, 400.290, 400.300, and 400.340 of the Code of the City of Ellisville, Missouri, to add definitions relating to adult-use marijuana facilities; to authorize comprehensive marijuana cultivation facilities as a conditional use in the “WNU” Wildwood Non-Urban District; to authorize comprehensive marijuana cultivation facilities, comprehensive marijuana dispensary facilities, comprehensive marijuana-infused produce manufacturing facilities, marijuana microbusiness dispensary facilities, marijuana microbusiness wholesale facilities, and marijuana testing facilities as conditional uses in the “C-3” Commercial Zoning District and the “C-4” Ellisville Business Park Zoning District; to authorize comprehensive marijuana cultivation facilities (indoor only), comprehensive marijuana dispensary facilities, comprehensive marijuana-infused product manufacturing facilities, marijuana microbusiness dispensary facilities, marijuana microbusiness wholesale facilities (indoor only), and marijuana testing facilities as permitted uses in the “M-1” Light Industrial Zoning District; to authorize outdoor comprehensive marijuana cultivation facilities and outdoor marijuana microbusiness wholesale facilities as conditional uses in the “M-1” Light Industrial Zoning District; and to enact regulations applicable to medical marijuana facilities and marijuana facilities within the City of Ellisville, Missouri

Chairman Lee Foster open the public hearing. Attorney Brian Malone entered the exhibits into the record. Chairman Lee Foster swore in City Planner Ada Hood. Planner Hood gave a brief presentation. Commissioner McGrath asked about adding language to the packaged consumables. Attorney Malone indicated the Commission could make such a recommendation. Commissioner Mindy Kelley indicated the products already have warning labels. Secretary Al Tamulaitis concurred. Commissioner Mindy Kelley stated that edibles are labeled and in child proof containers. She added that if children access the edibles, it is due to negligence on the part of the adult. Chairman Foster asked if consumption was allowed on site. Attorney Malone indicated no. Commissioner Niebling asked where the existing facilities were located. Planner Hood indicated there were two dispensaries and one laboratory. Commissioner Niebling asked if the distance requirement could be changed to 1,000 feet for recreational use only and include the distance requirement from daycare’s also. Secretary Al Tamulaitis asked if the existing uses would be allowed to convert. Attorney Malone indicated yes. Commissioner Niebling stated that she believed recreational use to be very different from medical use and that recreational use increased the risk to

children. Commissioner Mike Becker asked when the State rules would be finalized. Attorney Malone stated approximately one week.

Chairman Foster solicited public input. None was given.

Chairman Foster moved to forward a positive recommendation as proposed. It was seconded by Commissioner Becker.

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Lee Foster.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nancy Bengtson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marilyn Niebling.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mindy Kelley.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kameron Lawson.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Becker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Al Tamulaitis.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Scatizzi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ADJOURNMENT

The meeting adjourned at 9:23 PM.