

**CITY OF ELLISVILLE  
COUNCIL MEETING**

**JANUARY 18, 2023**

Mayor Roemerman opened this Regular Meeting at 7:00 p.m. In attendance were Council Members McGrath, Compton, Cahill, Sanborn, and Boggs. Council Member Duffy was excused.

Also present were: City Manager Schwer, City Attorney Malone, Police Chief Lewis, City Planner Hood, and City Clerk Dohack.

All those in attendance recited the Pledge of Allegiance led by Council Member Cahill.

**APPROVAL OF AGENDA**

Mayor Roemerman moved to approve the evening's agenda, seconded by Council Member Compton. The votes on the approval were all "AYES".

**APPROVAL OF MINUTES**

Mayor Roemerman moved to approve the minutes from December 21, 2022 Council Meeting, seconded by Council Member Compton. The votes on the approval were: Roemerman "AYE", McGrath "AYE", Compton "AYE", Cahill "AYE", Sanborn "AYE", and Boggs "AYE".

**PUBLIC COMMENTS I**

Bernie Barton, 1224 Field Avenue, spoke in opposition of the proposed development at 309 Clarkson Road noting the traffic issues on Clarkson Road will increase and also noting the proposed dumpster would be adjacent to residential property. Mr. Barton feels that the property should be developed as a profession building.

Duane Jelinek, 1206 Field Avenue, agreed with Mr. Barton, commented additional traffic will cause more problems, and noted that the neighborhood residents do not want this development at the end of their street.

Dave Goessmann, 1201 Field Avenue, noted that a coffee drive-through at the location at 309 Clarkson Road is not safe and agrees with the others about traffic.

Pam Marquard, 1143 Field Avenue, noted that a petition was signed by most of the Field Avenue residents and commented this plan does not work with the Comprehensive Plan. Ms. Marquard also had concerns about traffic, safety, a dumpster next to a residence, and egress onto Field Avenue.

Rachel Scheffing, 1255 Field Avenue, opposed the development at 309 Clarkson Road and agrees with the neighbors. Mrs. Scheffing is not opposed to a medical office and has concerns with the traffic associated with this business.

**RECEIPT/FILING OF PLANNING AND ZONING COMMISSION**

Mayor Roemerman moved to receive and file of the following Planning and Zoning Commission's recommendations:

- A. Receipt and filing of Planning and Zoning Commission’s negative recommendation dated January 12, 2023 relative to the petition of Seven Brew Drive Through Coffee, for: (1) for an Amendment to a “C-5” Planned Commercial District; and (2) for approval of the associated Site Development Concept Plan for a coffee shop with a drive-through facility at the location and numbered as 309 Clarkson Road within the City of Ellisville.
- B. Receipt and filing of Planning and Zoning Commission’s positive recommendation dated January 12, 2023 relative to 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.

The motion was seconded by Council Member Compton. The votes were: Roemerman “AYE”, McGrath “AYE”, Compton “AYE”, Cahill “AYE”, Sanborn “AYE”, and Boggs “AYE”.

## **PUBLIC HEARINGS**

### **Text Amendments pertaining to adult-use marijuana**

Mayor Roemerman opened the public hearing pertaining 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. City Attorney Malone entered the following exhibits: Exhibit 1, Certified Copy of the Code of the City of Ellisville, Missouri; Exhibit

2, Zoning District Map; Exhibit 3, Comprehensive City Plan; Exhibit 4, Notice published in *The Countian* on December 27, 2022; Exhibit 5, Notice published in the St. Louis Post-Dispatch on December 28, 2022; Exhibit 6, Notice of public hearing before Commission and Council; Exhibit 7, Memorandum from the City Planner to Chairman Foster of Planning and Zoning Commission dated January 11, 2023; Exhibit 8, Memorandum from the City Attorney to the Council dated November 29, 2023, Exhibit 9, Draft Amendment; Exhibit 10, Planning and Zoning Commission Report and Recommendation dated January 11, 2023, and Exhibit 11, Memorandum from the City Planner to the City Manager dated January 18, 2023.

City Planner Hood was sworn in by City Clerk Dohack. City Planner Hood presented the proposed text amendments, including added definitions and outlining conditional uses. Discussion took place among the Council Members pertaining to distance requirements for marijuana-based businesses.

#### *Public Comments*

Marilyn Niebling, 531 Triton Way, commented on the criteria for distance restrictions and suggested restricting distances to 500 feet for new businesses and grandfathering the existing businesses.

Mayor Roerman polled Ellisville residents and property owners regarding the petition as presented: No one was in favor and five (5) residents were in opposition. Mayor Roerman closed the public hearing.

#### 309 Clarkson Road (Seven Brew Drive Through Coffee) amendment to C-5 Planned Commercial District and approval of Site Development Concept Plan

Mayor Roerman opened the public hearing pertaining to the petition of Seven Brew Drive Through Coffee, for (1) for an Amendment to a “C-5” Planned Commercial District; and (2) for approval of the associated Site Development Concept Plan for a coffee shop with a drive-through facility at the location known and numbered as 309 Clarkson Road within the City of Ellisville. City Attorney Malone entered the following exhibits: Exhibit 1, Certified Copy of the Code of the City of Ellisville, Missouri; Exhibit 2, Zoning District Map; Exhibit 3, Comprehensive City Plan; Exhibit 4, Notice published in *The Countian* on December 21, 2022; Exhibit 5, Letter mailed to abutting property owners within 185’ on December 22, 2022; Exhibit 6, Public posting of notice and affidavit dated December 27, 2022; Exhibit 7, Notice of public hearing and affidavit dated December 27, 2022; Exhibit 8, Memorandum from the City Planner to Chairman Foster dated January 11, 2023; Exhibit 9, Note regarding Seven Brew’s application; Exhibit 10, Letter from Seven Brew’s attorney dated October 31, 2022; Exhibit 11, Application for Planned Development dated November 11, 2022; Exhibit 12, Application for Site Plan Review dated November 11, 2022; Exhibit 13, Application Cover Letter received November 11, 2022 from Brandon Sebald; Exhibit 14, Traffic Impact Study prepared by Lochmueller Group dated September 30, 2022; Exhibit 15, MoDOT comment on Second Application dated December 5, 2022; Exhibit 16, Letter from Terraspec regarding landscaping dated September 22, 2022; Exhibit 17, Email from Rachel Scheffing dated December 14, 2022; Exhibit 18, Field Avenue Petition dated October 25, 2022; Exhibit 19, Email from Dave Goessmann dated December 7, 2022; Exhibit 20, Email from Tammy Thurman dated January 5, 2023; Exhibit 21, Email from Pamela Marquard dated November 30, 2022; Exhibit 22, Letter dated December 9, 2022 from Terry and Lucinda Kemp; Exhibit 23, Email from Pamela Marquard dated November 2, 2022; Exhibit 24, Protest petition dated November 6, 2022; Exhibit 25, Ellisville Petition in opposition submitted by property owners/occupants dated November 7, 2022; Exhibit 26, Documents recorded by Applicant at the St. Louis County Recorder

of Deeds office dated November 9, 2022, including certified copy of Ordinance 3479 of the City of Ellisville and the Site Development Plan approved by such Ordinance; Exhibit 27, Site Plan/Elevations submitted by Applicant dated November 9, 2022; Exhibit 28, Email from Pamela Marquard dated November 3, 2022; Exhibit 29, Email from Beth Branstetter dated November 5, 2022; Exhibit 30, Email from Pamela Marquard dated November 5, 2022; Exhibit 31, Email from Bernie Barton dated November 6, 2022; Exhibit 32, Email from Janis Boehm dated November 6, 2022; Exhibit 33, Email from Edward Fasnacht dated November 7, 2022; Exhibit 34, Emails/letter from Laura Harper dated November 7, 2022; Exhibit 35, Email from Pamela Marquard dated December 2, 2022; Exhibit 36, Email from Boyd Bijlmakers dated January 5, 2023; Exhibit 37, Emails from Laura Harper dated January 5, 2023 and January 6, 2023; Exhibit 38, Email from Shawn McAteer dated January 9, 2023; Exhibit 39, Notarized formal protest petition from Terry and Lucinda Kemp dated January 9, 2023; Exhibit 40, Letter from Ed and Patti Fasnacht dated January 9, 2023; Exhibit 41, Email from Pamela Marquard dated January 9, 2023; Exhibit 42, Email from Laura Harper dated January 10, 2023; Exhibit 43, Email from Mahmoud Kaaki dated January 10, 2023; Exhibit 44, Email from Marilyn Niebling to City Planner dated January 11, 2023; Exhibit 45, Planning and Zoning Commission Report and Recommendation dated January 11, 2023, forwarding negative recommendation; Exhibit 46, Memorandum from City Planner to the City Manager dated January 18, 2023; and Exhibit 47, Notarized protest petition from Phillip and Rachel Scheffing dated January 9, 2023.

Robert Strote and Jordon Strote – property owners, Chris Graville and Nathan Bruns – Graville Law, and Joe Raffert representing Seven Brew, Julie Nolfo with Lochmueller, and City Planner Hood and City Manager Schwer were sworn in by City Clerk Dohack.

Attorney Chris Graville presented information pertaining to the proposed development at 309 Clarkson Road. Atty. Graville noted that this would be a 600 square foot coffee kiosk and the business will be customer service driven and with no speaker for ordering. Atty. Graville went on to discuss the C-5 zoning and how he worked with City Attorney Malone pertaining to the petition. Atty. Graville also discussed how the petitioners agree with the traffic study and amended the entry drive isle as suggested by MoDOT (Missouri Dept. of Transportation). Egress only would be allowed Field Avenue and signage would mark this access. Atty. Graville noted that the development is consistent with the comprehensive plan and that there would be no additional traffic on Clarkson Road. The presentation continued noting that the previous development (Reis Orthodontics) was allowed access onto Field Avenue. Atty. Graville went on to discuss other developments along Clarkson Road and how traffic has not added to the traffic issues for dead end streets like Vero Lane. Landscape buffer and fencing were brought up to and it was noted that a larger fence could be installed to block the trash. Atty. Graville noted that resident concerns were addressed and again noted that the development is consistent with the Comprehensive Plan.

The Council Members began their questions to the petitioner. Council Member Compton began by asking the traffic engineer about the que length for the drive through. Julie Nolfo responded by how the statistics are calculated. Council Member McGrath noted that he attended the Planning and Zoning Commission and asked about the hours of operation and staffing levels. Mr. Raffert noted that he hours were 5:30 am – 10:30 pm Monday-Thursday, 5:30 am – 11:00 pm and that 3-8 employees will be on a shift. Council Member Compton commented in response to the Vero Lane access earlier and noted that the residents off of Field Avenue have a light (through the gas station/car wash development) that they can utilize for access to Clarkson.

*Public Comments*

Boyd Bijlmakers, 1154 Field Avenue, commented on his concerns with the school bus stop at Clarkson and Field the additional traffic will be a safety issue and when the other vacant property gets developed there will be more traffic. Mr. Bijlmakers also noted the issue with egress for trash trucks.

Tammy Thurman, 1155 Field Avenue, opposed the development siting traffic and safety in this area.

Beth Branstetter, 1237 Field Avenue, also opposed the proposed business, commented on traffic and safety.

Jordon Srote, 309 Clarkson Road, as the property owner he stated he has listened to the comments from those who are not experts on traffic and the traffic study notes differently. Mr. Srote stated that this development would bring tax dollars to the City and also commented about a bus stop at this location.

Laura Harper, 1143 Field Avenue, opposed the amendment, as the previous approval was for a previous development and noted concern with the traffic study, citing more cars in que at other Seven Brew locations, including the noise and hours of operation at those other locations.

Sara Fox, 1218 Field Avenue, opposed the development and commented that the Comprehensive Plan was to have development consistent with the neighborhood. Ms. Fox also noted that there are three coffee shops within 1.2 miles of this property and expressed her concern with safety.

Stephanie Shyken, 1149 Field Avenue, opposed the development and expressed concern with the traffic.

Ed Fasnacht, 1249 Field Avenue, opposed the development and noted that 200 residents signed a petition in protest of the development. Mr. Fasnacht also commented about delivery trucks adding to the traffic issue on the site, the dumpster near residential properties and access to it, and also about cross access to the adjacent property.

Mahmoud Kaaki, 1213 Field Avenue, commented that he was disappointed the petitioner would disregard the residents concerns about safety and traffic, noting the business wants to attract gathering/congregating, also noted that new apartments to be built nearby will also add to traffic.

Rachel Scheffing, 1255 Field Avenue, spoke about safety for the residents on Field Avenue and as the adjacent property, having a dumpster in her front yard and also noted a walkable commercial property will cause other issues.

Marilyn Niebling, 531 Triton Way, noted that cross access should be considered for the adjacent property.

Bernie Barton, 1224 Field Avenue, commented on the Springfield, MO Seven Brew property numbers and commented that bike racks off Clarkson Road will add to the issue of safety.

Pam Marquard, 1148 Field Avenue, noted lots of emotions from residents and the petitioners and stated opposition due to safety and traffic. Mrs. Marquard sated that a low volume business would be better suited for this property.

Mayor Roerman polled Ellisville residents and property owners regarding the petition as presented: One (1) was in favor and 16 residents were in opposition. Mayor Roerman closed the public hearing.

## **LEGISLATION**

### **Bill #3775, 309 Clarkson Road (Seven Brew Drive Through Coffee), amend Ord #3479 and amend the Site Development Plan**

Council Member McGrath introduced Bill #3775, AN ORDINANCE AMENDING ORDINANCE 3479 OF THE CITY OF ELLISVILLE, MISSOURI, AND AMENDING THE SITE DEVELOPMENT PLAN FOR THE PROPERTY AT THE LOCATION KNOWN AND NUMBERED AS 309 CLARKSON ROAD, IN THE “C-5” PLANNED COMMERCIAL ZONING DISTRICT, TO AUTHORIZE A SEVEN BREW DRIVE THRU COFFEE. Council Member McGrath moved for consideration and perfection of Bill #3775, seconded by Council Member Sanborn.

Discussion ensued pertaining to this Bill. Mayor Roemerma commented that this is a difficult decision and that change is hard, also commenting on the option for cross easement and the dumpster access.

Mayor Roemerma moved to amend Bill #3775 to remove the curb cut onto Field Avenue and the move the trash dumpster to the northwest corner of the lot. The motion was seconded by Council Member Sanborn. The vote on the amendment were: Roemerma “AYE”, McGrath “NAY”, Compton “AYE”, Cahill “AYE”, Sanborn “AYE”, and Boggs “NAY”.

Council Member Compton asked about the landscape review and City staff noted that this would be done during permitting. Staff also noted that if necessary for wavier this would be brought to the Council at that time.

Discussion continued on the matter of outside speakers for music. Council Member Compton moved to amend Bill #3775 to have no outside speakers on the proposed site. The motion to amend was seconded by Council Member Cahill. The votes on this amendment were: Roemerma “AYE”, McGrath “AYE”, Compton “AYE”, Cahill “AYE”, Sanborn “AYE”, and Boggs “AYE”.

The votes on the first reading of Bill #3775, as amended, were: Roemerma “AYE”, McGrath “NAY”, Compton “NAY”, Cahill “NAY”, Sanborn “AYE”, and Boggs “NAY”. Bill #3775 fails to become an ordinance.

### **Bill #3776, Text Amendments pertaining to Adult-Use Marijuana**

Council Member Compton introduced Bill #3776, AN ORDINANCE AMENDING TITLE IV: LAND USE; CHAPTER 400: ZONING REGULATIONS; SECTIONS 400.090, 400.260, 400.290, 400.300, 400.320, AND 400.340 OF THE CODE OF THE CITY OF ELLISVILLE, MISSOURI, TO ADD REGULATIONS AND ESTABLISH PERMITTED DISTRICTS FOR RECREATIONAL MARIJUANA RELATED USES; AND AMENDING TITLE II: PUBLIC HEALTH, SAFETY AND WELFARE; ARTICLE XI: OFFENSES CONCERNING ALCOHOL AND DRUGS; SECTION 210.525 OF THE CODE OF THE CITY OF ELLISVILLE, MISSOURI, TO MODIFY THE OFFENSE OF MARIJUANA POSSESSION WITHIN THE CITY OF ELLISVILLE, MISSOURI. Council Member Compton moved for consideration and perfection of Bill #3776, seconded by Mayor Roemerma.

Discussion ensued on the necessity to amend the regulations, as the voters approved adult-use marijuana in November 2022 and dispensaries will begin the application process to sell this product in February of 2023. Council Members discussed the buffer areas outlined in the proposed legislation and considered the ranges in comparison to the State’s recommendations. Council Member Sanborn also asked about mitigation of smells that might come from the manufacturing

businesses.

Council Member Cahill moved to amend Bill #3776 to change the buffer zones from 300 feet to 500 feet. The motion to amend was seconded by Council Member Sanborn. The votes on the amendment were: Roerman “AYE”, McGrath “AYE”, Compton “AYE”, Cahill “AYE”, Sanborn “AYE”, and Boggs “AYE”.

The votes on the first reading of Bill #3775, as amended, were: Roerman “AYE”, McGrath “AYE”, Compton “AYE”, Cahill “NAY”, Sanborn “AYE”, and Boggs “AYE”. Council Member Compton introduced Bill #3776, as amended, for final passage, AN ORDINANCE AMENDING TITLE IV: LAND USE; CHAPTER 400: ZONING REGULATIONS; SECTIONS 400.090, 400.260, 400.290, 400.300, 400.320, AND 400.340 OF THE CODE OF THE CITY OF ELLISVILLE, MISSOURI, TO ADD REGULATIONS AND ESTABLISH PERMITTED DISTRICTS FOR RECREATIONAL MARIJUANA RELATED USES; AND AMENDING TITLE II: PUBLIC HEALTH, SAFETY AND WELFARE; ARTICLE XI: OFFENSES CONCERNING ALCOHOL AND DRUGS; SECTION 210.525 OF THE CODE OF THE CITY OF ELLISVILLE, MISSOURI, TO MODIFY THE OFFENSE OF MARIJUANA POSSESSION WITHIN THE CITY OF ELLISVILLE, MISSOURI. Council Member Compton moved for final passage of Bill #3776, as amended, seconded by Council Member Sanborn. The votes on the second reading of Bill #3776 were: Roerman “AYE”, McGrath “AYE”, Compton “AYE”, Cahill “NAY”, Sanborn “NAY”, and Boggs “NAY”. Bill #3776 fails to become an ordinance.

Resolution #01-18-2023A, St. Louis County Police Academy Service Agreement

Mayor Roerman introduced Res.#01-18-2023A, A RESOLUTION OF THE CITY OF ELLISVILLE, MISSOURI APPROVING A CONTRACT ENTERED INTO BY AND BETWEEN SAINT LOUIS COUNTY, MISSOURI, ON BEHALF OF SAINT LOUIS COUNTY AND THE SAINT LOUIS COUNTY AND MUNICIPAL POLICE ACADEMY BOARD OF MANAGERS, AND THE CITY OF ELLISVILLE, MISSOURI, FOR THE SERVICES OF A CITY OF ELLISVILLE POLICE OFFICER. Mayor Roerman moved for consideration and perfection of Res. #01-18-2023A, seconded by Council Member Compton. The votes on the motion to approve Res #01-18-2023A were: Roerman “AYE”, McGrath “AYE”, Compton “AYE”, Cahill “AYE”, Sanborn “AYE”, and Boggs “AYE”. Res #01-18-2023A was approved.

Resolution #01-18-2023B, St. Louis County Municipal Parks Grant – Mockingbird Park

Mayor Roerman introduced Res.#01-18-2023B, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT APPLICATION ON BEHALF OF THE CITY OF ELLISVILLE WITH THE ST. LOUIS COUNTY MUNICIPAL PARKS GRANT COMMISSION. Mayor Roerman moved for consideration and perfection of Res. #01-18-2023B, seconded by Council Member Cahill. The votes on the motion to approve Res #01-18-2023B were: Roerman “AYE”, McGrath “AYE”, Compton “AYE”, Cahill “AYE”, Sanborn “AYE”, and Boggs “AYE”. Res #01-18-2023B was approved.

Resolution #01-18-2023C, Auditing Agreement with Stopp & VanHoy

Mayor Roerman introduced Res.#01-18-2023C, A RESOLUTION OF THE CITY OF ELLISVILLE, MISSOURI AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF ELLISVILLE, MISSOURI AND STOPP & VANHOY, CPAS AND BUSINESS ADVISORS, LLC, FOR THE PERFORMANCE OF INDEPENDENT AUDITS OF ALL CITY ACCOUNTS. Mayor Roerman moved for consideration and perfection of Res. #01-18-2023C, seconded by Council Member Sanborn. The votes on the motion to approve Res #01-18-2023C were: Roerman “AYE”, McGrath “AYE”, Compton “AYE”, Cahill “AYE”, Sanborn “AYE”, and

Boggs "AYE". Res #01-18-2023C was approved.

**PUBLIC COMMENTS**

There were no comments at this time.

**MAYOR/COUNCIL BUSINESS/REPORTS**

There were no reports

**ACTIVE COMMITTEE STATUS/UPDATES**

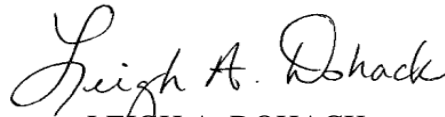
There were no updates.

**CLOSED SESSION**

No closed session took place at this time.

The Council returned to open session and adjourned the meeting at 9:17 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Leigh A. Dohack". The signature is written in a cursive, flowing style.

LEIGH A. DOHACK  
City Clerk