

**BRIDGETON PLANNING AND ZONING COMMISSION
MINUTES OF THE MEETING OF JUNE 8, 2020**

PAGE 1

The regular meeting of the Planning and Zoning Commission of the City of Bridgeton, Missouri, was called to order on June 8, 2020 at 7:00 p.m. in the Council Chambers at the Bridgeton Government Center, 12355 Natural Bridge Road, by Chairman Claude Buchheit.

Members present: Kerstin Adelt, Joy Bush, Sonny Costa, Jim Gaston, Keith Gillming, Joe Holtsnider, Bob Teahan, Lyle Woodruff, Chairman Claude Buchheit

Members absent: Chris Peoples

Also present: Mayor Terry Briggs
Zach Greatens, Planning & Zoning Officer
Sue Glazer, Recording Secretary

1. APPROVAL OF MINUTES

Mr. Woodruff moved, and it was seconded by Ms. Adelt, to approve the minutes of May 11, 2020. **On a voice vote the motion carried and the minutes were approved.**

2. APPROVAL OF AGENDA

Mr. Holtsnider moved, and it was seconded by Mr. Teahan, to approve the agenda. **On a voice vote the motion carried and the agenda was approved.**

3. PUBLIC HEARINGS

#20-PZ-03 Request for Special Use Permit for “Medical Marijuana-Infused Products Manufacturing Facility” to allow a medical marijuana-infused products manufacturing facility located at 3316 Hollenberg Drive in the “M-3(a)” Planned Manufacturing District. Submitted by Missouri Wellness, c/o Tanisha Patterson.

Chairman Buchheit opened the public hearing. Mr. Greatens gave an explanation of the Special Use Permit (SUP) process, which applies to both SUP applications on the agenda.

Mr. Greatens said #20-PZ-03 is a special use permit request for the property at 3316 Hollenberg Drive to allow a medical marijuana-infused products manufacturing facility. It is located in “M-3(a)” Planned Manufacturing District. The site is approximately one (1) acre and has never been developed. Mr. Greatens showed a map of the surrounding area and a site plan of the property. Mr. Greatens gave some background information regarding this use. Last year in July and August, the City went through the process to amend the Zoning Ordinance to allow and regulate medical marijuana facilities. This was in response to Missouri voters passing Amendment 2 which legalized the production and consumption of medical marijuana. Staff coordinated with the City’s legal counsel to determine certain types of facilities that would be permitted by right and not require a SUP. It was determined that other facilities would require a SUP for more review. This application was one they determined needed a SUP. Mr. Greatens said it is staff’s opinion that the proposed business is consistent with the goals and objectives of the Comprehensive Plan. On review of the applicant’s proposal, staff determined it will not be detrimental to the surrounding traffic. The proposed ingress/egress is sufficient for the site. Their proposed parking will exceed the requirements in the Zoning Ordinance. Staff’s opinion is that this proposal will be consistent and compatible with the surrounding mix of commercial uses and would be appropriate for this location. The State medical marijuana program is highly regulated with stringent requirements. The licensing and maintaining of licenses is handled by the State of Missouri Department of Health and Senior Services. The State has stringent standards and regulations not only for medical marijuana business to obtain a license, but also to keep their license. They also have stringent requirements for security as well. This proposal would also allow for construction of a new

building on a lot that has never been developed. The applicant submitted a site plan and proposed floor plan which was shown on the large screen. Mr. Greatens said it was staff's opinion that if the Planning Commission recommends approval, the following conditions shall apply:

1) The business shall maintain conformance with all regulations for medical marijuana facilities as set forth in the Zoning Ordinance. 2) A final landscaping plan shall be submitted at the time of building permit submittal. The plan shall include size and species of all trees and shrubs as well as providing details for the dumpster enclosure. Said landscaping plan shall be approved prior to the building permit being issued. 3) Any proposed expansion of the facility shall require an amendment to this Special Use Permit.

Mr. Greatens said the applicant also included a list of standards for medical marijuana facilities from the Zoning Ordinance, acknowledging each item and their intent to comply with each one. This was included in the staff report.

Mr. Woodruff asked if the detention pond is part of this property. Mr. Greatens said it is not part of this property. He said this detention pond is maintained by MSD. As required, staff notified MSD about this proposal and staff received the standard comments from MSD.

Mr. Teahan asked about the list of standards that was included in the staff report and the responses from the applicant. Mr. Greatens explained that the bold and italic print after each item was the response from the applicant. He said a lot of these standards are built in to the Zoning Ordinance and reflects State requirements as well. Chairman Buchheit asked if the City requires a certain kind of fencing around this facility. Mr. Greatens said there is nothing in the Zoning Ordinance that specifies the type of fencing. There was some discussion about fencing. Mr. Greatens said as long as the fencing complies with whatever State requires as far as security is concerned, the Planning Commission could recommend a condition of approval regarding fencing. Mr. Gillming asked about signage. Mr. Greatens said the sign code is included in the building code. All new signs go to the Design & Review Board for approval. There was more discussion about signage. Mr. Greatens said the applicant can give more information regarding proposed signage for the facility. Mr. Gillming asked about it being highly regulated with stringent requirements and what that means. Mr. Greatens said the applicant could give more details about this. Mr. Gillming asked what happens if they do not keep those regulations. Mr. Greatens said they would likely lose their license from the State. The Zoning Ordinance also requires the facility to maintain their State License.

The applicant, Greg Zitko, attorney representing Missouri Wellness, came forward. He said this is an opportunity to bring a brand new industry to Bridgeton. This was a stringent application process in which they had to map out the layout of the building, how they will handle security and how they handle waste. It is basically the same as a pharmaceutical facility. This is a manufacturing facility. It is more of a scientific and lab environment. One of the owners has a PhD in pharmacology and has experience in this field. This is not something brand new to the owners. They have done this in other states. Mr. Zitko provided information about the people involved in this business and their experience. This information is included in the staff report. Mr. Zitko explained that the main purpose of the fence is for security in the back area where the loading dock and trash are located. The type of fence can be discussed with the City. He said concerning the signage, this is not a dispensary and not something that the public will be coming to for any reason. They will get deliveries there, process things and ship it out. They probably will not have any signage except maybe the name of the company and address on the front. All storage will be internal as required by the State. The requirements are similar to a pharmaceutical grade manufacturer. There are stringent standards because this is a product that people will be ingesting like a pharmaceutical company.

Mr. Gillming referred to the 131 years of experience that the applicant stated and was included in the staff report. He asked if that included the employees that will be working there. Mr. Zitko said that also includes the owners' experience. He explained where the owners have other facilities in other states. Mr. Gillming asked if it is their goal to have a recreational marijuana business. Mr. Zitko said right now

**BRIDGETON PLANNING AND ZONING COMMISSION
MINUTES OF THE MEETING OF JUNE 8, 2020**

PAGE 3

Missouri does not allow it. Their concentration right now is to make a pharmaceutical grade product. Chairman Buchheit asked if they will have 24 hour security. Mr. Gary Weigert, security officer for the facility, came forward. Mr. Weigert said there are 22 plus cameras. This facility will not always have product in it because it will be shipped out. If the product is not there, the security really does not need to be there all night. Mr. Teahan asked if someone will be there to monitor the cameras. The cameras will operate when there is movement and Mr. Weigert will monitor it. He said if anyone creates a violation entering into their restricted zones, he will be alerted to that and he will respond or notify the police. Mr. Teahan asked if the State monitors the camera. He said they did in Illinois, but he is not sure yet if the State will monitor it in Missouri. Mr. Costa asked if they have ever had a problem with someone entering into one of these facilities. Mr. Weigert said there is a problem sometimes with dispensaries, but not a manufacturing facility. Mr. Teahan asked if they will be distributing to the facilities or if they will send for pickups. Tanisha Patterson, came forward. She said the State of Missouri has already determined who will qualify to transport the medical marijuana product because it requires a license. Ms. Patterson said she will be in the facility for the day-to-day operations to make sure the deliveries are received, shipped out and packaged correctly. She will make sure the facility is sanitized and that all procedures are followed. She said they will be hiring new individuals that have chemistry backgrounds because it will be a laboratory for pharmaceutical medical marijuana.

No one came forward to speak regarding the application.
Chairman Buchheit closed the public hearing.

#20-PZ-05 Request for Special Use Permit for “Automobile repair, major and minor, provided that the activity is conducted wholly within an enclosed building” to allow a non-emergency medical transportation company located at 11717 St. Charles Rock Road, as provided in the Bridgeton Zoning Ordinance under Section 410.130.E.2.c of the “B-3” Travel/Entertainment Services District. Submitted by ZIPCARE.

Mr. Greatens said this Special Use Permit (SUP) request is located at 11717 St. Charles Rock Road zoned “B-3” Travel/Entertainment Services District. Mr. Greatens showed the surrounding property on the screen. He said in 1987 a SUP was approved for this property to allow auto repair and it continuously was operated as auto repair until late 2016. The Zoning Ordinance states that a SUP remains valid as long as they are in continuous operation and there is no consecutive two (2) year period in which they are not operating. The auto repair business that was there moved to a location on Lindbergh and they did not replace it with a similar business. SUP’s are transferable to subsequent owners and tenants. They did not do this and they did not request an extension. Therefore, it was automatically revoked. For this proposal a new SUP application is required because the other SUP expired. Mr. Greatens said ZIPCARE provides non-emergency medical transportation. Transportation for people to/from medical appointments and in some cases student transportation to school. They are not proposing any expansion to this facility. They are proposing to use the existing facility for auto repair maintenance of their fleet. They are not proposing to offer auto repair service to the general public. Mr. Greatens referred to the site plan showing the driveway which extends across to the adjacent property to the west. That is a platted easement for ingress/egress that allows for access to the property. The site will remain the same. There are no additional entrances being proposed. The proposal is consistent with the Comprehensive Plan. It is staff’s opinion it will not be detrimental to surrounding traffic. It is likely that there will be less traffic than previous auto repair businesses that were at this location because they are only working on their own fleet of vehicles. They are proposing to generally operate the same type of business that has operated there for over 30 years. It is staff’s opinion that this type of use is appropriate for this location. Mr. Greatens referred to photographs of the site on the screen. He said that to the north the lot is heavily wooded which provides ample screening from the residential property. Staff recommended the following conditions of approval: 1) Special use permit approval shall be limited to repair, maintenance, and service for fleet vehicles only. Any future expansion of the use that includes auto service and repair to the general public shall require approval of an amendment to the special use permit. 2) Auto body work shall not be permitted. 3) Outdoor

**BRIDGETON PLANNING AND ZONING COMMISSION
MINUTES OF THE MEETING OF JUNE 8, 2020**

PAGE 4

storage of tires or other material and equipment shall not be permitted. 4) Storage of junk vehicles or inoperable vehicles shall not be permitted.

Chairman Buchheit said he thinks they should add something about licensed vehicles. Mr. Greatens said they can come up with something appropriate when they are ready to vote on this. Ms. Bush asked how many vehicles will be there at one time. Mr. Greatens said the applicant can answer that. Mr. Teahan asked if there is any need to put bushes or trees in the back next to the subdivisions. Mr. Greatens said they did not submit any plans to expand. Mr. Greatens said one of the conditions is that any future expansion shall require approval of an amendment to the SUP. He said they could include a condition that the existing vegetation that provides a buffer from the residential property to the north shall be maintained. Even though the applicant has stated no intention to do anything in the back wooded area, the Commission can include a condition to guarantee this does not happen.

The applicant, Larry Martin, representing ZIPCARE transportation, came forward. Mr. Martin said they are a non-emergency medical transportation company. They transport people to their doctor's appointments, cancer treatments, dialysis treatments, etc. He said they have been maintaining the vehicles and sanitizing the vehicles to keep it safe for the patients. They will be doing minor repairs like oil changes and basic preventative maintenance of their vehicles. Chairman Buchheit asked if they will be storing all their vehicles there overnight. Mr. Martin said no. They have a place they store them overnight near Missouri Baptist Hospital and St. John's Mercy Hospital. Most of the vehicles are kept there unless they are being serviced. They will probably have no more than five (5) or six (6) vehicles at this facility at one time to do maintenance. Chairman Buchheit said right now there are about eight (8) vehicles there and one is not licensed. Mr. Martin said some still need maintenance. He said one is going to Rankin Tech, one was gifted to someone, and they have not picked it up yet. The unlicensed vehicle belongs to an employee and he is going to move it soon. Mr. Woodruff asked how many bays does this have. Mr. Martin said they have three (3) bays, two (2) for repairs and one (1) for detail and sanitation. Chairman Buchheit asked if they intend to do anything to the parking lot. Mr. Martin said just keep it clean. Chairman Buchheit said part of it is asphalt and part is gravel. Mr. Martin said yes, they will park on the gravel. Chairman Buchheit asked if they are already working there. Mr. Martin said no, they do not have permission to work there, except they are working on the building. Chairman Buchheit asked what they are going to do to the outside of the building. He said they will probably paint the outside and maintain the outside. Mr. Martin said they are leasing the building. Mr. Greatens said the City did allow them to sanitize vehicles there under the current conditions. They were told they were not allowed to conduct auto repairs or maintenance until they get a SUP.

Chairman Buchheit asked if anyone was present to speak.

Ms. Cindy Westover, 3924 Laux Dr., came forward. Ms. Westover asked about the hours of operation. Mr. Martin said 8 am to 6 pm Monday – Saturday. Ms. Westover asked if they are going to put up any big parking lights. He said the only lights will be the lights that are already on the building. Ms. Westover said they would like to keep the trees that are there. Mr. Martin said they will definitely keep the trees there.

Chairman Buchheit closed the public hearing.

#20-PZ-03 Request for Special Use Permit for "Medical Marijuana-Infused Products Manufacturing Facility" to allow a medical marijuana-infused products manufacturing facility located at 3316 Hollenberg Drive in the "M-3(a)" Planned Manufacturing District. Submitted by Missouri Wellness, c/o Tanisha Patterson.

Mr. Greatens said before the vote is taken, the Commission may want to add a condition about fencing.

Chairman Buchheit asked the applicant what type of fencing is required. Mr. Zitko said since this facility is all brand new, it is difficult to say what is required. There was discussion about the types of

fencing and the location of a fence.

After discussion by the Commission, staff recommended the following condition be added:

4) All proposed fencing shall consist of a metal, decorative, wrought iron style fence, as approved by Department of Public Works staff. Fencing shall maintain a minimum five (5) foot setback from all property lines.

Mr. Costa moved, seconded by Mr. Holtsnider, to approve Application #20-PZ-03, with the conditions proposed by staff, as amended.

Roll Call Vote:

Ayes: Kerstin Adelt, Joy Bush, Sonny Costa, Jim Gaston, Joe Holtsnider, Bob Teahan, Lyle Woodruff, Chairman Claude Buchheit

Nays: None

Abstain: Keith Gillming

Members absent: Chris Peoples

The motion to approve **carried** on a vote of (8 for – 0 against – 1 Abstain), and Application #20-PZ-03 will be forwarded to the City Council for public hearing and further action.

#20-PZ-05 Request for Special Use Permit for “Automobile repair, major and minor, provided that the activity is conducted wholly within an enclosed building” to allow a non-emergency medical transportation company located at 11717 St. Charles Rock Road, as provided in the Bridgeton Zoning Ordinance under Section 410.130.E.2.c of the “B-3” Travel/Entertainment Services District. Submitted by ZIPCARE.

After discussion by the Commission, staff recommended the following conditions be added:

5) The maximum number of vehicles stored on site shall be limited to fifteen (15).

6) The existing landscaping buffer consisting of trees and shrubs along the northern boundary of the site shall remain intact. Removal of any dead trees shall be allowed as necessary. Any dead trees that are removed shall be replaced. A minimum fifty (50) foot landscape buffer adjacent to residential property shall remain.

7) All parking areas shall consist of asphalt, concrete, or other similar surface as approved by the Department of Public Works.

Ms. Bush moved, seconded by Ms. Adelt, to approve Application #20-PZ-05, with the conditions proposed by staff, as amended.

Roll Call Vote:

Ayes: Kerstin Adelt, Joy Bush, Sonny Costa, Jim Gaston, Joe Holtsnider, Keith Gillming, Bob Teahan, Lyle Woodruff, Chairman Claude Buchheit

Nays: None

Members absent: Chris Peoples

The motion to approve **carried** on a vote of (9 for – 0 against), and Application #20-PZ-05 will be forwarded to the City Council for public hearing and further action.

4. PENDING MATTERS

There were no "Pending Matters."

5. OTHER BUSINESS

There was no "Other Business."

6. STAFF UPDATE

Staff updated the Commission on upcoming projects. The next scheduled meeting is June 22, 2020.

7. EX-OFFICIO REPORT

Mayor Briggs gave an update on current business.

8. ADJOURNMENT

It was moved by Mr. Holtsnider and seconded by Ms. Bush, to adjourn. **On a voice vote the motion carried** and the meeting was adjourned at 8:30 p.m.

Claude Buchheit, Chairman