

## **Plan Commission**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

# AGENDA **PLAN COMMISSION MEETING**

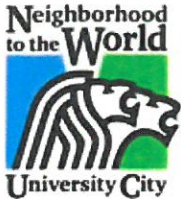
Heman Park Community Center  
975 Pennsylvania Ave., University City, MO 63130  
6:30 pm; Wednesday, April 24, 2019

1. **Roll Call**
2. **Approval of Minutes** – February 27, 2019 Plan Commission meeting
3. **New Business**

### **Text Amendments**

- a. **Text Amendment** – Amendment to the Zoning Code Sections 400.030, 400.510, 400.570, 400.620, 400.630 and adding Division 15 to Article V of chapter 400 Relating to Medical Marijuana.  
*VOTE REQUESTED*

4. **Other Business**
  - a) Election of Officers – Plan Commission
5. **Adjournment**



## Department of Planning and Development

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

### MEMORANDUM

TO: Plan Commission Members

FROM: Clifford Cross, Planning Director

DATE: April 19, 2019

SUBJECT: Medical Marijuana

CC: Gregory Rose, City Manager  
John Mulligan, City Attorney

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At the upcoming Plan Commission meeting, members will consider a text amendment to the zoning code pertaining to the establishment and operation of medical marijuana facilities within the municipal boundaries of University City. Although, the Missouri Department of Health and Senior Services will have stringent regulations pertaining to these establishments, individual municipalities will have the ability to additionally regulate facility locations. As a result, staff will be presenting a text amendment that will regulate the four types of medical marijuana uses which include 1) cultivation centers, 2) manufacturing facilities, 3) testing facilities and 4) dispensaries.

This code revision is a proposed solution to allow for the appropriate siting of these facilities without negatively impacting the neighboring properties and land uses. Furthermore, the regulations will establish siting guidelines that will be referenced to verify that these facilities will be in compliance with local zoning codes as part of the state application process. The proposed amendments are as follows;

**Summary of Amendment #1.** The first amendment to Chapter 400 will define the 4 primary types of facilities that will be regulated and consistent with the definitions pertaining to state regulations. This will add the new definitions to Chapter 400, Article II, Section 400.030 "Definitions".

#### **MEDICAL MARIJUANA CULTIVATION FACILITY**

A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or a Medical Marijuana Infused Products Manufacturing Facility.

#### **MEDICAL MARIJUANA DISPENSARY FACILITY**

A facility licensed by the State of Missouri to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana to a Qualifying Patient, a Primary caregiver, another licensed Dispensary Facility, a licensed Testing Facility, or a licensed Manufacturing Facility.

## **MEDICAL MARIJUANA INFUSED PRODUCTS MANUFACTURING FACILITY**

A facility licensed by the State of Missouri to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility.

## **MEDICAL MARIJUANA TESTING FACILITY**

A facility certified by the State of Missouri to acquire, test, certify, and transport marijuana.

**Summary of Amendment #2.** The second amendment to Chapter 400 will require that the four uses must obtain a conditional use permit to operate within the General Commercial Zoning District.

Chapter 400, Article IV, Division 7, Section 400.510 "Conditional Uses" is hereby amended by adding the following to subsection "A" and leaving all other provisions of Section 400.510 unaltered:

31. Medical Marijuana Cultivation Facility
32. Medical Marijuana Dispensary Facility
33. Medical Marijuana Infused Products Manufacturing Facility
34. Medical Marijuana Testing Facility

**Summary of Amendment #3.** The third amendment to Chapter 400 will require that the medical marijuana dispensary obtain a conditional use permit to operate within the Core Commercial Zoning District. This will also prohibit the cultivation, testing and manufacturing facilities from the CC district.

Chapter 400, Article IV, Division 8, Section 400.570 "Conditional Uses" is hereby amended by adding the following to subsection "A" and leaving all other provisions of Section 400.570 unaltered:

11. Medical Marijuana Dispensary Facility

**Summary of Amendment #4.** The fourth amendment to Chapter 400 will permit the medical marijuana dispensary by right within the Industrial Commercial District.

Chapter 400, Article IV, Division 9, Section 400.620 "Permitted Uses" is hereby amended by adding the following to subsection "A" and leaving all other provisions of Section 400.620 unaltered:

27. Medical Marijuana Dispensary Facility

**Summary of Amendment #5.** The fifth amendment to Chapter 400 will require medical marijuana cultivation, testing and manufacturing facilities to obtain a conditional use permit to operate within the Industrial Commercial District.

Chapter 400, Article IV, Division 9, Section 400.630 "Conditional Uses" is hereby amended by adding the following to subsection "A" and leaving all other provisions of Section 400.630 unaltered:

26. Medical Marijuana Cultivation Facility
27. Medical Marijuana Infused Products Manufacturing Facility
28. Medical Marijuana Testing Facility

**Summary of Amendment #6.** The sixth amendment to Chapter 400 adds an additional Division to Article V (Supplementary Regulations) of the Zoning Code. It adds a newly created Division 15 which will include the following additional regulations to medical marijuana operations. These conditions set hours, distance from residences, churches, schools, etc.

Chapter 400, Article V (Supplementary Regulations) is hereby amended by adding the following Division 15 and leaving all other provisions of Article V unaltered:

Division 15 Medical Marijuana Regulations

Section 400.1495

**A. Standards for Medical Marijuana Dispensary Facility**

No building shall be constructed, altered, or used for a Medical Marijuana Dispensary without complying with the following regulations.

1. **Buffer Requirement.** No Medical Marijuana Dispensary shall be located within Five Hundred (500) feet of an existing elementary or secondary school, licensed child day care center, or church. Measurements shall be made in a straight line, without regard to intervening structures, from the nearest point on the exterior building wall of the school, child care center, or church, to the main public entrance of the medical marijuana business.
2. **Residential Zoning Buffer Requirement.** No Medical Marijuana Dispensary shall be located within One Hundred Fifty (150) feet of a residentially zoned district. Measurements shall be made in a straight line, without regard to intervening structures, from the main public entrance of the medical marijuana business to the nearest property line of the residentially zoned district.
3. **Outdoor Operations or Storage Prohibited.** All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.

4. Hours of Operation. All Medical Marijuana Dispensaries shall be closed to the public, no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises or by delivery from the premises between the hours of 10:00 P.M. and 8:00 A.M.
5. Display of License Required. The medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
6. Residential Dwelling Units Prohibited. No Medical Marijuana Dispensary shall be located in a building that contains a residence.
7. Ventilation Required. All medical marijuana businesses shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the business. No odors shall be detectable by a person with a normal sense of smell outside the boundary of the parcel on which the facility is located.

**B. Standards for Medical Marijuana Cultivation, Infused Manufacturing & Testing Facilities**

No building shall be constructed, altered, or used for a Medical Marijuana Cultivation, Infused Manufacturing or Testing Facility without complying with the following regulations.

1. Buffer Requirement. No Medical Marijuana Cultivation, Infused Manufacturing or Testing Facility shall be located within One Thousand (1000) feet of an existing elementary or secondary school, licensed child day care center, or church. Measurements between the facility and the school, daycare, or church shall be measured from the property line of the facility to the closest point of the property line of the school, daycare, or church. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.
2. Residential Zoning Buffer Requirement. No Medical Marijuana Cultivation, Infused Manufacturing or Testing Facility shall be located within One Thousand (1000) feet of a residentially zoned district. Measurements between the facility and the residentially zoned district shall be measured from the property line of the facility to the closest point of the property line of the residentially zoned district. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.
3. Outdoor Operations or Storage Prohibited. All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.
4. Hours of Operation. All Medical Marijuana Cultivation, Infused Manufacturing or Testing Facilities shall be closed to the public, no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises or by delivery from the premises between the hours of 10:00 P.M. and 8:00 A.M.
5. Display of License Required. The medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.

6. Residential Dwelling Units Prohibited. No Medical Marijuana Cultivation, Infused Manufacturing or Testing Facility shall be located in a building that contains a residence.
7. Ventilation Required. All medical marijuana businesses shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the business. No odors shall be detectable by a person with a normal sense of smell outside the boundary of the parcel on which the facility is located.

INTRODUCED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 400 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, RELATING TO ZONING, BY AMENDING SECTIONS 400.030; 400.510; 400.570; 400.620; 400.630 AND ADDING DIVISION 15 TO ARTICLE V OF CHAPTER 400 (ZONING CODE) THEREOF, RELATING TO MEDICAL MARIJUANA REGULATIONS; CONTAINING A SAVINGS CLAUSE AND PROVIDING A PENALTY.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI AS FOLLOWS:**

**WHEREAS**, Chapter 400 (Zoning Code) of the Municipal Code of the City of University City, Missouri divides the City into several zoning districts and regulates the district regulations pertaining to allowed uses within the City's underlying zoning districts; and

**WHEREAS**, Article I, Section 400.010(A) of the Zoning Code of the City of University City, was adopted for the purpose of ensuring that the development of land within the City occurs in a manner that protects, provides for and promotes public health, safety, convenience, comfort, and general welfare of the residents of University City; and

**WHEREAS**, on November 6, 2018 the voters of the State of Missouri approved an amendment to Article XVI of the State Constitution establishing a Right to Access Medical Marijuana and allowing for the limited legal production, distribution, sale and purchase of marijuana for medical use; and

**WHEREAS**, the City desires to amend the University City Zoning Code to clarify the regulations regarding medical marijuana in accordance with the purposes of the State Constitution; and

**WHEREAS**, the City desires to protect the public health and safety by establishing reasonable regulations on Medical Marijuana related businesses regarding noise, air quality, neighborhood safety, security, and other health and safety concerns; and

**WHEREAS**, the City Plan Commission in a meeting held at the Heman Park Community Center located at 975 Pennsylvania Avenue, University City, Missouri on April 24, 2019, at 6:30 pm recommended an amendment of Sections 400.030; 400.510; 400.570; 400.620; 400.630 and adding Division 15 To Article V of Chapter 400 (Zoning Code), and

**WHEREAS**, due notice of a public hearing to be held by the City Council in the 5<sup>th</sup> Floor City Council Chambers at City Hall at 6:30 pm, May 28, 2019, was duly published in the St. Louis Countian, a newspaper of general circulation within said City on May 10, 2019; and

**WHEREAS**, said public hearing was held at the time and place specified in said notice, and all suggestions or objections concerning said amendment of the Zoning Code were duly heard and considered by the City Council.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, AS FOLLOWS:**

**Section 1.** Chapter 400, Article II, Section 400.030 “Definitions” is hereby amended by adding the following definitions and leaving all other provisions of Section 400.030 unaltered:

**MEDICAL MARIJUANA CULTIVATION FACILITY**

A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or a Medical Marijuana Infused Products Manufacturing Facility.

**MEDICAL MARIJUANA DISPENSARY FACILITY**

A facility licensed by the State of Missouri to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana to a Qualifying Patient, a Primary caregiver, another licensed Dispensary Facility, a licensed Testing Facility, or a licensed Manufacturing Facility.

**MEDICAL MARIJUANA INFUSED PRODUCTS MANUFACTURING FACILITY**

A facility licensed by the State of Missouri to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility.

**MEDICAL MARIJUANA TESTING FACILITY**

A facility certified by the State of Missouri to acquire, test, certify, and transport marijuana.

**Section 2.** Chapter 400, Article IV, Division 7, Section 400.510 “Conditional Uses” is hereby amended by adding the following to subsection “A” and leaving all other provisions of Section 400.510 unaltered:

31. Medical Marijuana Cultivation Facility
32. Medical Marijuana Dispensary Facility
33. Medical Marijuana Infused Products Manufacturing Facility
34. Medical Marijuana Testing Facility

**Section 3.** Chapter 400, Article IV, Division 8, Section 400.570 “Conditional Uses” is hereby amended by adding the following to subsection “A” and leaving all other provisions of Section 400.570 unaltered:

11. Medical Marijuana Dispensary Facility



**Section 4.** Chapter 400, Article IV, Division 9, Section 400.620 “Permitted Uses” is hereby amended by adding the following to subsection “A” and leaving all other provisions of Section 400.620 unaltered:

**27. Medical Marijuana Dispensary Facility**

**Section 5.** Chapter 400, Article IV, Division 9, Section 400.630 “Conditional Uses” is hereby amended by adding the following to subsection “A” and leaving all other provisions of Section 400.630 unaltered:

**26. Medical Marijuana Cultivation Facility**

**27. Medical Marijuana Infused Products Manufacturing Facility**

**28. Medical Marijuana Testing Facility**

**Section 6.** Chapter 400, Article V (Supplementary Regulations) is hereby amended by adding the following Division 15 and leaving all other provisions of Article V unaltered:

Division 15 Medical Marijuana Regulations

Section 400.1495

**A. Standards for Medical Marijuana Dispensary Facility**

No building shall be constructed, altered, or used for a Medical Marijuana Dispensary without complying with the following regulations.

1. **Buffer Requirement.** No Medical Marijuana Dispensary shall be located within Five Hundred (500) feet of an existing elementary or secondary school, licensed child day care center, or church. Measurements shall be made in a straight line, without regard to intervening structures, from the nearest point on the exterior building wall of the school, child care center, or church, to the main public entrance of the medical marijuana business.
2. **Residential Zoning Buffer Requirement.** No Medical Marijuana Dispensary shall be located within One Hundred Fifty (150) feet of a residentially zoned district. Measurements shall be made in a straight line, without regard to intervening structures, from the main public entrance of the medical marijuana business to the nearest property line of the residentially zoned district.
3. **Outdoor Operations or Storage Prohibited.** All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.

5. Display of License Required. The medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
6. Residential Dwelling Units Prohibited. No Medical Marijuana Cultivation, Infused Manufacturing or Testing Facility shall be located in a building that contains a residence.
7. Ventilation Required. All medical marijuana businesses shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the business. No odors shall be detectable by a person with a normal sense of smell outside the boundary of the parcel on which the facility is located.

**Section 7.** This ordinance shall not be construed to so as to relieve any person, firm or corporation from any penalty heretofore incurred by the violation of said Sections mentioned above, nor bar the prosecution for any such violation.

**Section 8.** Any person, firm or corporation violating any of the provisions of this ordinance, shall upon conviction thereof, be subject to the penalty provided in Title 1 Chapter 1.12.010 of the Municipal Code of the City of University City.

**Section 9.** This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

# PLAN COMMISSION

Heman Park Community Center  
975 Pennsylvania Ave., University City, MO 63130  
6:30 pm; Wednesday, February 27, 2019

The Plan Commission held their regular meeting at Heman Park Community Center located at 975 Pennsylvania Avenue, University city, Missouri on Wednesday, February 27, 2019. The meeting commenced at 6:35pm and concluded at 7:50pm.

## 1. Roll Call

### Voting Members Present

Michael Miller  
Judith Gainer  
Cirri Moran – Chair  
Margaret Holly  
Cynthia Head

### Voting Members Absent

### Non-Voting Council Liaison

Paulette Carr

### Staff Present

Colleen Durfee, Planner  
Gregory Rose, City Manager  
John Mulligan, City Attorney  
Clifford Cross, Director of Planning and Development

## 2. Approval of Minutes

November 28, 2018 Plan Commission meeting minute's approval was postponed because the minutes were not included in the packet due to staff error. Commissioner Miller made a motion to postpone approval of November 28, 2018 minutes until the next Plan Commission meeting, seconded by Commissioner Gainer.

## 3. New Business

- a. **Text Amendment** – Amendment to parking regulations and parking space requirements, (Chapter 400, Article VII of the Zoning Code)  
*VOTE REQUESTED*

Ms. Durfee explained the proposed text amendments, giving a quick summary of the intent of the changes. The Commission then began to review the proposed amendments page by page. On the first page, Commissioner Miller asked to clarify why the Zoning Administrator was removed and replaced by the "City" as a more general term in the first paragraph. Ms. Durfee explained that the rest of the sentence goes on to require a conditional use permit procedure which is detailed in other parts of our code regarding the process to follow and who is involved. The revision was meant to simplify the language. The revision stands.

Commissioner Miller also noted that Section 400.2010.B.1 is a long sentence and should be revised. Staff noted this and Mr. Mulligan committed to finding ways to simplify the language if possible. Commissioner Holly made the suggestion to move "as owner of principal use" behind "in the same possession" in the second line. This revision will be made.

Councilmember Carr noted that a recent amendment to Section 400.2010.B.2 was removed. She explained that at the time of this amendment, it was meant to give COCA and Washington University the

ability to construct a garage in a "PA" Public Activity District even though "parking" is not a permitted use in that district. She had two thoughts, the first was that this current proposed change would not be retroactive and we can now amend our code to reflect what we would like to see. The second question, which she had submitted to Mr. Mulligan prior to the meeting, was did we have to retain that because we had allowed it for Washington University. Mr. Mulligan stated that it did not have to be retained. There was discussion about how the removal of this recent amendment and the revision to allow off-site parking in all districts except "SR" Single Family Residential and "LR" Limited Residential. Councilmember Carr expressed concern that this proposed change would allow for the construction of parking garages all over the City. It was clarified by staff that this section of the code pertains to off-site and shared parking arrangements, not new construction. Also, the conditional use permit procedure is still retained with this revision. Ms. Durfee noted that without allowing off-site and shared parking in areas other than where it is explicitly a permitted use, this provision would rarely be used in the City. Staff also clarified that any new construction would have to follow the rules of permitted and conditional uses in whatever district in which it is located, thereby still protecting the intent of the underlying zoning district regulations and intended land uses for the City. The revision holds.

Commissioner Miller noted that under "Article 7, Division 4, Section 400.2130" the title of the section is not bolded like the others. Staff made note and assured the Commission that any formatting inconsistencies would be rectified in the final version.

Commissioner Miller asked whether there was any change to City titles of positions since the revisions of this section seem to be removing "Zoning Administrator" and replacing it with "the City. Mr. Rose assured the Commissioner that titles will remain the same but some duties may shift from one position to the other. He introduced the new Director, Clifford Cross, as someone who would be taking on some of the duties of the Zoning Administrator. Ms. Durfee noted that the removal of the specific titles from this Article is to allow more flexibility for the City that way if the City changes titles in the future, it is still consistent with our code.

Commissioner Miller noted on page three in Section 400.2130.E.1.a there is an additional "and" that should be removed. Mr. Mulligan noted that semi-colons should be placed after each listed item in Section 400.2130.E.1 except for the last point, "e". This revision will be made for the final version.

Commissioner Miller suggested on page four Section 400.2130.E.1.e an "or" be removed. Commissioner Holly suggested the use of the oxford comma in the revision as well. The new revision will read "Have a positive effect on the economic viability, appearance of the project, or on the environment."

Commissioner Miller noted that in Section 400.2130, Section "G" should be changed to Section "F" to be consistent with alphabetical order. This revision will be made.

Commissioner Holly noted that in the schedule of shared parking table, we need to remove "Banquet centers and reception halls" completely because we have banquet halls under places of public assembly already. This revision will be made. Commissioner Holly noted that the table references gymnasiums twice in the table with different tables. There was discussion about the difference between gymnasiums with spectator seating and those without. The final revision clarifying the table's regulations for gymnasiums will keep the mention of gymnasiums with spectator seating under places of public assembly and add to the other mention of gymnasiums a clarification that this regulation applies to gymnasiums without spectator seating. The phrase "plus spaces otherwise required for spectator seating" will be removed in the final version of these revisions as well.

Commissioner Miller asked if adamant bike riders were consulted about these regulations because some existing bike parking spaces are not compliant with these regulations. Commissioner Moran clarified that these regulations are only for new construction. The City will not require existing business owners and property owners to install bike racks.

Commissioner Chair Moran asked if there was any more discussion regarding the amendment. There was none. She asked if there was a motion to adopt the amendment as revised and send it forward.

Commissioner Holly made a motion. Commissioner Miller seconded. All were in favor. The motion passed.

**4. Other Business**

- a. Public Comments (Limited to 3 minutes for individual's comments, 5 minutes for representatives of groups or organizations)

Bwayne Smotherson, 1243 Purdue, 3<sup>rd</sup> Ward City Councilmember. Mr. Smotherson proposed that the Plan Commission and the City review the east section of Olive and Vernon from Kingsland to Sutter be rezoned to promote mixed-use. He noted other private development going on in the area and asked the zoning reflect the existing businesses and accommodates the direction that the area is heading in with new homes being built and the businesses surrounding the area. There was discussion about the area and the changes occurring between Mr. Smotherson, the Plan Commission, and Staff.

Commissioner Moran thanked Ms. Durfee for her work with the City and the Commission as her last day is Friday, March 1, 2019.

**5. Reports**

- a. Council Liaison Report

Councilmember Carr discussed the recent report from Better Together proposing the City-County merger with the Plan Commission and Staff.

**6. Adjournment**

Commissioner Moran asked if there was a motion to adjourn. Commissioner Miller made the motion to adjourn. Commissioner Holly seconded. All were in favor. The meeting was adjourned at 7:50pm.