

PLAN COMMISSION

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

The Plan Commission held their regular meeting at Heman Park Community Center located at 975 Pennsylvania Avenue, University City, Missouri on Wednesday, April 24, 2019. The meeting commenced at 6:35pm and concluded at 7:46pm.

1. Roll Call

Voting Members Present

Judith Gainer
Cirri Moran – Chair
Margaret Holly
Cynthia Head
Ellen Hartz

Voting Members Absent

Michael Miller

Non-Voting Council Liaison

Paulette Carr

Staff Present

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

Public Present

M. Schneider

2. Approval of Minutes - February – 27, 2019 Plan Commission Meeting

Motion was made by Commissioner Holly to approve the February 27, 2019 Plan Commission minutes. The motion was seconded by Commissioner Hartz. The motion carried unanimously.

3. New Business

- 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

Mr. Cross explained the proposed text amendments within a power point presentation to the Planning Commission. He provided a quick summary of the intent of the changes and explained the adoption of legislation to regulate medical marijuana, state responsibilities associated with medical marijuana and University City's role in locating the various medical marijuana facilities as well as the amendments associated with the specific zoning ordinance text amendments proposed.

Council Member Carr requested that staff consider an expanded notice distance requirement when notifying property owners to ensure all potentially affected neighbors be notified.

Chairperson Moran requested a clarification of the definition pertaining to a church, school, daycare, that cater to children, would be regulated. Mr. Cross indicated that per the current proposal staff would interpret the regulations based upon the strict definitions of churches, schools, etc.

Chairperson Moran voiced a concern pertaining to the mixed residential uses that are located along the Loop. Her specific concern was various buildings in the loop contained residential dwellings that would prohibit a medical marijuana dispensary because of the 150 foot zoning buffer. Mr. Cross indicated that the buffer pertained to the underlying zoning and not based upon the specific use. He further indicated the use would only be a factor in allowing the medical marijuana business to locate within that particular dwelling. Commission Member Head also requested a clarification of the buffer interpretation of Section 400.1495(6) and if a medical marijuana use could be within the same building that contained a residential unit. Mr. Cross indicated that based upon his interpretation of the International Code Council regulations the inclusion of a medical marijuana use within a mixed use building would be permitted based upon the separation of occupancy classifications.

Mr. Cross further expanded upon the regulations pertaining to the use of medical marijuana cultivation centers, manufacturing centers and testing centers. He specifically indicated that the opportunity for these uses would only be within the General Commercial and Industrial Commercial Districts upon the issuance of a Conditional Use Permit. Mr. Cross further expanded upon the amendment and that the supplementary regulations would further regulate hours of operation, indoor operations only, etc.

Commission Member Hartz voiced a concern in regulating content associated with the signage and would it violate a businesses freedom of speech. Mr. Cross indicated because it would be an agreed upon condition, associated with the use request, he believed it would not.

Council Member Carr had a question as to whether or not a patient who grows plants, within their property, could grow them outside. Mr. Cross indicated that they could not per the state regulations pertaining to qualifying patients or caregivers. She further questioned if the City would be responsible for patient compliance pertaining to the state regulations. Mr. Cross indicated it was his understanding that the state would be responsible. Commission Member Holly questioned who would further regulate the patients who visit a dispensary. Mr. Cross indicated the operations associated with each dispensary would be regulated by the state. He did indicate that he believed we could potentially have another layer of regulation via business license regulations.

Commission Member Holly stated her interpretation of Amendment II and that it specifically pertains to medical marijuana and not recreational. She further indicated that it should be University City's goal to not hinder or have excessive regulations pertaining to medical marijuana uses. Additionally, she questioned how businesses could operate and accept payment because of federal guidelines. Mr. Cross indicated it was his understanding that financial institutions are becoming more accommodating to accept alternate forms of payment and removing the cash only business transactions. City Manager Rose indicated he believed the City's restructuring the policy because 1) we wanted to allow for a location for these business to operate because it could be illegal to prohibit them and 2) the conditional use permit could be utilized to allow for a better evaluation of the impact that these uses may have on the neighborhoods. Attorney Mulligan further supported Mr. Rose's position that we could not prohibit medical marijuana uses. He further indicated that this amendment further relaxed the state guidelines in terms of location, buffering, etc. Additionally, Mr. Mulligan indicated that the conditional use permit process allowed for the opportunity to fine tune each particular request, via conditions, that can be associated with the conditional use permit.

Chairperson Moran asked if we were ready to vote and if there were any other questions. Commission Member Holly made a motion to recommend approval of the amendment, Commission Member Hartz seconded. Commission Member Gainer questioned if we wanted to further restrict the locations next to businesses that cater to children. Mr. Cross indicated that the amendment, as presented, would only restrict locations based upon businesses that are licensed to cater to children. Chairperson Moran further stated that the conditional use permit process would allow an additional opportunity to further notify businesses that cater to children. The discussion was closed and a unanimous vote to recommend approval of the text amendment as proposed.

4. Other Business

a. Election Of Officers

Commission Member Head made a motion to re-elect the officers as they were. Commission Member Gainer seconded the motion which passed by a unanimous vote.

Chairperson Moran identified the elected officials as
1) Moran-Chair 2) Miller –Vice Chair & 3) Holly –Alternate.

5. Reports

a. Council Liaison Report

Council Member Carr reported that the prior proposed parking text amendment passed and thanked the commission for their hard work. She further advised that Council Member Cusick is seeking an appointment for the Planning Commission.

b. Staff Report

Mr. Cross provided the commission an update on the status of the Comprehensive Plan. Mr. Cross indicated that staff has started the process of seeking a consultant to assist in the development of the plan. He further indicated that there would be an upcoming joint study session with the Mayor and Council. Chairperson Moran further stressed the existence of a sub-committee for the comprehensive plan and that the Planning Commission needs to be fully involved throughout the process.

c. Other Discussion

The commission and staff touched on the proposed “Better Together”.

6. Adjournment

The meeting was adjourned at 7:46pm.