



**AND ZONING COMMISSION MEETING MINUTES
CITY OF DES PERES, MISSOURI
WEDNESDAY APRIL 12, 2023
7:00 PM**

CALL TO ORDER

Chair Ahrens called the meeting to order at 7:00 p.m.

ROLL CALL

Anna Ahrens	Commission Chair	
Will Mura	Commission Vice Chair	
Terrie Gwin	Commission Member	
Tony Pawloski	Commission Member	
Rob Barringer	Commission Member	(ABSENT)
Jim Jontry	Commission Member	
Jonathan Young	Commission Member	
Mary McGrath	Commission Member	
Kurt Leinauer	Commission Member	(ABSENT)
Derek Don	Commission Member	
Cynthia Kardesch	Commission Member	(ABSENT)
Mayor Becker	Mayor	
Alderman Pound	Aldermanic Rep	

The following staff members were present: Chris Graville, City Attorney; Steve Meyer, Director of Public Works; Scott Schaefer, Assistant City Administrator; Alexandra Knox, Public Works Admin;

AMENDMENT OF AGENDA

Chair Ahrens amended the agenda to present new business before old business. Approved unanimously by voice vote.

APPROVAL OF MINUTES

Commissioner Don motioned to approve the minutes as presented. Second by Young. Motion approved unanimously by voice vote.

NEW BUSINESS

1. Petition for Conditional Accessory Structure at 12509 Springdale Ln.

Scott Paul, Vanderbilt Homes spoke to the commission regarding their petition to construct a 953sqft pool house. Mr. Paul explained their team has worked with engineers to make sure runoff and storm water was collected appropriately with the use of flo-wells and rain gardens. Chair Ahrens and Commissioner Don questioned if the flo-well system and rain gardens were approved by MSD. Mr. Scott explained the rain gardens are approved on the previously approved building plans and flo-wells do not need MSD approval.

With no comments from Commissioners or audience, Commissioner Jontry motioned to recommend approval of the petition as presented. A second by Gwin. A roll call vote was taken



46 with the following results: Chair Ahrens, AYE; Vice Chair Mura, AYE; Gwin, AYE; Pawloski,
47 AYE; Jontry, AYE; Young, AYE; McGrath, AYE; Don, AYE; Mayor Becker, ABSTAIN;
48 Alderman Pound, ABSTAIN. Motion Carries 8-0-2.
49

50 **OLD BUSINESS**

51 **1. Petition for Site Plan Approval/Rezoning for a 182-unit apartment building with 4,000**
52 **sqft commercial tenant space at 13431 Manchester Road; Magnolia Ridge Apartments**

53 Assistant City Administrator Schaefer gave an update of the subcommittee that has met three
54 times since the last regular scheduled meeting with an anticipated vote out of subcommittee
55 sometime before the next regular scheduled meeting. He states the subcommittee is satisfied
56 with the most recent design reflecting a modern-classic architecture style rather than the colonial
57 style previously presented. He states the subcommittee largely discussed parking
58 accommodations (our standards are sufficient) and landscaping plans (screening to the N,
59 retaining walls, and detention basin).

60 Commissioner Don echoed the petitioners have done everything asked of them; they have done a
61 tree study, a traffic study and are working on the photometric light plan. The subcommittee
62 heard from Chief Eric Hall, who states there will be minimal risks (in terms of response for Des
63 Peres Public Safety department).

64 The subcommittee plans to meet a fourth time to finalize discussions on a date to be determined.
65

66 **2. Amendment of the Municipal Code regarding Comprehensive Marijuana Sales**
67 **Referred by Board of Aldermen for Development of Requirements in conjunction with**
68 **passage of a 90-day Moratorium on Comprehensive Marijuana Dispensary Facilities**

69 Mr. Meyer gave an update of the subcommittee that has met five times in total. It was reiterated
70 the State of Missouri has left the cities very little leeway in terms of zoning for adult use of
71 marijuana.

72 Substantial discussion on potential buffers related to residential properties and “minor – oriented
73 educational” facility, and the meaning of unduly burdensome. The subcommittee voted on each
74 of the following recommendations –

- 75 • Adopt Lochmueller’s parking recommendations which consist of:
 - 76 ○ Two parking spaces per every three employees
 - 77 ○ Seven spaces per thousand sqft of gross floor area
 - 78 ○ Petitioners can request a reduction in parking required based upon a site-specific
79 parking study
- 80 • Add signage to dispensaries regarding the prohibition of on-site consumption (passed
81 unanimously, no vote)
- 82 • 1000’ buffer around churches, schools and daycares (passed 6-0 vote)
- 83 • 500’ buffer around parks (passed 5-1 vote)
- 84 • 120’ buffer from residentially-zoned areas (3-3 split vote)
- 85 • 120’ buffer from “minor oriented education” facilities (denied 2-4 vote)
- 86 • Recommended hours of operation be 8a-8p for both medicinal and recreational facilities
87 (passed 6-0 vote)
- 88

89 Mr. Graville pointed out that the Board of Aldermen has adopted updated ordinances regarding
90 smoking indoors/outdoors and/or possession in public spaces. He repeated that Missouri



91 Amendment 3 does not allow cities to prohibit recreational adult marijuana, unless by ballot
92 question in November 2024 of 60% of votes, Cities can only govern the time/place/manner of
93 operation without becoming unduly burdensome to petitioners.

94 Commissioner Don and Mr. Graville discussed the term “adult” in adult use of recreational
95 marijuana is defined as 21 and older and if “adult use” can be considered adult oriented and be
96 banned by a 1000’ buffer as defined in our zoning code as related to adult entertainment
97 facilities. Mr. Graville clarified that the two are unrelated, as adult entertainment is related to
98 nudity and protected by the First Amendment of the U.S. Constitution (free speech rights).

99 Recreational-use marijuana is protected by Amendment 3 of the Missouri state constitution.

100 There was also discussion regarding the difference between requiring 300’ between dispensary
101 facilities vs. 120’ buffer around residential neighborhoods.

102

103 Jim Killeen – 12045 Point Oak – Spoke in opposition of marijuana

104 Sandy Smith – 11948 Amherst - Spoke in opposition of marijuana

105 Yvonne Allen – 1600 Bopp Rd. – Spoke in opposition of marijuana

106 Jeanne Fluri – 1820 Gray Dr. – Spoke in opposition of marijuana

107

108 Commissioner Gwin made a motion for a 5-minute recess. Second by Pawloski. Motion
109 approved unanimously by voice vote.

110

111 Nancy Staley – 1819 N Ballas - Asked about the layering of buffers and what percentage of
112 properties could be buffered-out before becoming unduly burdensome. She also questioned what
113 would happen to a previously approved comprehensive marijuana dispensary if the voters
114 prohibited recreational adult marijuana in 2024. Would the retailer be forced to revert to
115 medicinal only or would the use be “grandfathered”?

116

117 Mr. Graville answered that he intends to craft the City’s ordinance so that, should the voters of
118 Des Peres prohibit recreational marijuana in November 2024, any such licenses would expire.

119 Mr. Welsh responded that the cannabis industry feels differently. Mr. Graville went on to say
120 that the issue would likely be resolved by the courts. In regards to what percentage of properties
121 need to remain available for petitioners, there is no specific percentage, and the courts would
122 also make the determination on whether conditions are unduly burdensome.

123

124 Joe Delia – COO of Root 66 addressed the commission and the attendees acknowledging the
125 issue at hand is the safety of Des Peres citizens. He cited a memo from the Director of Public
126 Safety, Eric Hall, who did an analysis of 11 area jurisdictions indicating there had been zero calls
127 for service relating to dispensaries. Mr. Delia also pointed out Root 66 has had zero issues
128 (relating to violence, break ins, etc.) at any of their other locations. The Root 66 team has not
129 “seen anything like this” in any of their other jurisdictions in terms of approval process. He
130 states the proposed buffer requirements and parking requirements do not seem fair; Root 66 is a
131 retail business and should be treated as such. He states they are investing a significant amount of
132 money into this property and will look much better than many of the neighboring properties. Mr.
133 Delia stated the average customers at their locations are between 40 and 70 years of age.

134



135 Dan Welsh – attorney representing Root 66 – claimed the layered buffers this commission is
136 trying to place could be a legal issue by being unduly burdensome, especially if the location of
137 the Root 66 medicinal marijuana dispensary is removed from viability for recreational marijuana
138 by these layered buffers.

139
140 Nina Makalintal – owner of Mathnasium – Spoke in opposition of marijuana
141

142 Each of the proposed conditions were voted upon individually as follows:
143

144 Commissioner Young motioned to limit the operating hours to 8a-8p for both comprehensive and
145 medicinal dispensaries. Second by Jontry. A roll call vote was taken with the following results:
146 Chair Ahrens, AYE; Vice Chair Mura, AYE; Commissioners Gwin, AYE; Pawloski, AYE;
147 Jontry, AYE; Young, AYE; McGrath, AYE; Don, AYE; Mayor Becker, ABSTAIN, Alderman
148 Pound, ABSTAIN. Motion carried 8-0-2.

149
150 Commissioner McGrath motioned to require signage detailing the prohibition of consumption on
151 site. Second by Pawloski. A roll call vote was taken with the following results: Chair Ahrens,
152 AYE; Vice Chair Mura, AYE; Commissioners Gwin, AYE; Pawloski, AYE; Jontry, AYE;
153 Young, AYE; McGrath, AYE; Don, AYE; Mayor Becker, ABSTAIN, Alderman Pound,
154 ABSTAIN. Motion carried 8-0-2.

155
156 Commissioner McGrath motioned to require a 1000' buffer around churches, schools and
157 daycares. Second by Young. A roll call vote was taken with the following results: Chair
158 Ahrens, AYE; Vice Chair Mura, AYE; Commissioners Gwin, AYE; Pawloski, AYE; Jontry,
159 AYE; Young, AYE; McGrath, AYE; Don, AYE; Mayor Becker, ABSTAIN, Alderman Pound,
160 ABSTAIN. Motion carried 8-0-2.

161
162 Commissioner Mura motioned to require a 500' buffer around parks. Second by Gwin. A roll
163 call vote was taken with the following results: Chair Ahrens, AYE; Vice Chair Mura, AYE;
164 Commissioners Gwin, AYE; Pawloski, AYE; Jontry, AYE; Young, AYE; McGrath, AYE; Don,
165 AYE; Mayor Becker, ABSTAIN, Alderman Pound, ABSTAIN. Motion carried 8-0-2.

166
167 Commissioner Young motioned to require a 300' minimum spacing between any two
168 dispensaries. Second by Don. A roll call vote was taken with the following results: Chair
169 Ahrens, AYE; Vice Chair Mura, AYE; Commissioners Gwin, AYE; Pawloski, AYE; Jontry,
170 AYE; Young, AYE; McGrath, AYE; Don, AYE; Mayor Becker, ABSTAIN, Alderman Pound,
171 ABSTAIN. Motion carried 8-0-2.

172
173 Commissioner Mura motioned to adopt parking recommendations from Lochmueller as a result
174 of the completed traffic study. Two (2) spaces per every three (3) employees, Seven (7) spaces
175 per thousand square feet (1,000 SF) of gross floor area, Petitioners for a recreational marijuana
176 dispensary CUP may request a reduction in parking required based upon a site-specific parking
177 study. Second by Don. A roll call vote was taken with the following results: Chair Ahrens,
178 AYE; Vice Chair Mura, AYE; Commissioners Gwin, AYE; Pawloski, ABSTAIN; Jontry, AYE;



179 Young, AYE; McGrath, AYE; Don, AYE; Mayor Becker, ABSTAIN, Alderman Pound,
180 ABSTAIN. Motion carried 7-0-3.

181
182 Commissioner Young motioned to require a 120' buffer from residentially zoned properties.
183 Second by Don. A roll call vote was taken with the following results: Chair Ahrens, NAY; Vice
184 Chair Mura, ABSTAIN; Commissioners Gwin, ABSTAIN; Pawloski, NAY; Jontry, NAY;
185 Young, AYE; McGrath, AYE; Don, AYE; Mayor Becker, ABSTAIN, Alderman Pound,
186 ABSTAIN. Motion denied 3-3-4.

187
188 Commissioner Don motioned to require a 120' buffer around "minor-oriented education"
189 facilities. Second by Young. A roll call vote was taken with the following results: Chair Ahrens,
190 NAY; Vice Chair Mura, NAY; Commissioners Gwin, ABSTAIN; Pawloski, NAY; Jontry,
191 NAY; Young, AYE; McGrath, AYE; Don, AYE; Mayor Becker, ABSTAIN, Alderman Pound,
192 ABSTAIN. Motion denied 3-4-3.

193
194 Commissioner Don wanted the record to reflect his disappointment and frustration in this
195 recommending body and some fellow commissioners. He believes the Board of Aldermen
196 should adopt measures that are more restrictive.

197
198

199 **STATUS REPORTS**

200 **1. BOARD OF ALDERMEN**

201 Alderman Pound gave report of the Board of Aldermen. The Board approved a CUP for a restaurant
202 operation at 1193 Colonnade Center called Crisp and Green.

203 The Board adopted updated ordinances Related to the Regulation of Adult Use Marijuana and
204 Prohibit Smoking or Vaping or Marijuana Infused Products in Indoor Public Spaces.

205

206 **2. SUBCOMMITTEE(S)**

- 207 1. SIGN COMMITTEE – None
- 208 2. FENCE COMMITTEE – staff needs to schedule a fence exception committee for 932
209 Devereaux
- 210 3. ARCHITECTURAL REVIEW COMMITTEE – None

211

212 **OTHER ITEMS**

213

214 **ADJOURNMENT**

215 Commissioner Don moved to adjourn the meeting, with a second by Commissioner Jontry.
216 Motion was approved by voice vote and the meeting was adjourned at 9:10 p.m.

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218

219 _____
Chairperson Anna Ahrens

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221

222 _____
Recording Secretary, Alexandra Knox