



**AND ZONING COMMISSION MEETING MINUTES
CITY OF DES PERES, MISSOURI
WEDNESDAY FEBRUARY 8, 2023
7:00 PM**

CALL TO ORDER

Chair Ahrens called the meeting to order at 7:01 p.m.

ROLL CALL

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

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

AMENDMENT OF AGENDA

APPROVAL OF MINUTES

Commissioner Barringer made a motion to approve the minutes as presented. Second by Mura. Motion approved unanimously by voice vote.

OLD BUSINESS

1. Revised Petition for Zoning Text Amendment for PD-MXD, Petition for Rezoning, Petition for Site Plan Approval for a 182-Unit apartment building with 4,000sqft commercial tenant space

13431 Manchester Road – Magnolia Ridge Apartments

Petitioner: Barn Owl LLC

Tabled until Board of Aldermen vote

2. Petition for Boundary Adjustment/Site Plan Approval/CUP

12030 Manchester Road/1087/1091 Kinstern

Petitioner: Kimley Horn, OBO MedWise Urgent Care

Petition withdrawn 1/31/23

3. Amendment of the Municipal Code regarding Home Occupations

Staff explained the City needs to update the Municipal Code due to HB1662 signed into law in 2022. The bill places limitations of municipal regulation of home based work, including



46 the ability to require business licenses for no impact home businesses. City can still establish
47 regulations to protect the health and safety of the community. If the City receives an
48 allegation of business being a nuisance, the City shall investigate. If it is determined to be an
49 impact home business, they will be ordered to cease operations. Commissioner Kardesch
50 pointed out line item 2.b should read “one”, not “once” and requested a change in text.

51
52 With no other comments from Commissioners or audience, Commissioner Mura made a
53 motion to recommend approval of the amendment of the municipal code with the requested
54 changes to the Board of Aldermen. A second by Commissioner Don. A roll call vote was
55 taken with the following results: Chairperson Ahrens, AYE; Vice Chairperson Mura, AYE;
56 Barringer, AYE; Jontry, AYE; Young, AYE; Leinauer, AYE; Don, AYE; Kardesch, AYE;
57 Mayor Becker, ABSTAIN; Alderman Pound, ABSTAIN. Motion Carries.

58 59 **NEW BUSINESS**

60 **1. Petition for Site Plan Approval and Conditional Use Permit**

61 12100 Manchester Road – Take 5 Carwash

62 Petitioner: Rogue Architects

63 Matthew Gilbert, Driven Brands gave an overview of the project. He explained there are
64 over 400 stores across the nation, primarily in residential neighborhoods, which are
65 constructed for the neighbors in mind.

66 Chair Ahrens questioned where water will drain if the current detention pond is being
67 removed?

68 Mr. Gilbert stated it would be underground.

69 Commissioner Don asked if this petition had received clearance from MSD. It was
70 determined Take 5 has not received clearance, they were waiting on approval from the City.

71 Chair Ahrens stated her biggest concern is traffic. This site is too small and there is not
72 enough time or space to move cars along. Commissioner Don echoed, stating the first car to
73 attempt to make a L turn onto Manchester during peak traffic times are going to cause a
74 gridlock of the site.

75 Mr. Gilbert explained there are operators who are able to stop the wash at any time and they
76 are following traffic patterns from ‘every’ business along Manchester, like McDonalds.

77 Commissioners pointed out that McDonalds has a signalized intersection.

78 Commissioner Don asked if what he was looking at was the most recent set of plans due to
79 the massive amount of red text in the staff report.

80 Mr. Meyer reported this is the latest set and he’s been in talks with Driven Brands and Rogue
81 Architects for a year and a half. Mr. Meyer explained he told the petitioner in July 2021 that
82 the site would not accommodate a carwash, but the petitioner purchased the site anyway.

83 There has been many iterations and staff reports completed, the petitioner refused to correct
84 all mistakes.

85 Mr. Gilbert explained that Driven Brands owns the site, and they are not going anywhere.
86 They want to be outstanding members of the community.

87 Commissioners Don, Mura, Young, all agreed it is a waste of time to spend much more time
88 on this petition.

89 Rather than get a negative recommendation, Take 5 Carwash withdrew their application.



90 Vice Chair Mura made a motion to approve withdraw of petition, seconded by Commissioner
91 Young. A roll call vote was taken with the following results: Chairperson Ahrens, AYE; Vice
92 Chairperson Mura, AYE; Barringer, AYE; Jontry, AYE; Young, AYE; Leinauer, AYE; Don,
93 AYE; Kardesch, AYE; Mayor Becker, AYE; Alderman Pound, AYE. Motion Carries.
94

95 **2. Amendment of the Municipal Code regarding Conditional Use Permits**

96 13231 Manchester Road

97 Mr. Graville explained body of law in Missouri Courts have determined Conditional Use
98 Petitions are ministerial decisions.

99 Des Peres Board of Aldermen has issued a 90-day moratorium on holding public hearings,
100 consideration, approval or denial or Conditional Use Permits in order to study and consider
101 changes to our Conditional Use process in light of the MO Supreme Court v QuikTrip ruling.
102 It is Des Peres desire to add language to our ordinance that states the city reserves full
103 authority to deny a request for a conditional use, to impose conditions on the use, or revoke
104 approval at any time.

105 With no further conversation, Commissioner Jontry motioned to recommend approval of the
106 amendment to the municipal code as presented. Vice Chair Mura seconded. A roll call vote
107 was taken with the following results: Chair Ahrens, AYE; Vice Chair Mura, AYE; Barringer,
108 AYE; Jontry, AYE; Young, AYE; Leinauer, AYE; Don, AYE; Kardesch, AYE; Mayor
109 Becker, ABSTAIN, Alderman Pound, ABSTAIN. Motion Carries.
110

111 **3. Amendment of the Municipal Code regarding regulation of comprehensive**
112 **marijuana dispensary licenses**

113 Mr. Graville explained the Board of Aldermen issued a 90 day moratorium for the holding of
114 public hearings and consideration of applications and licenses relating to comprehensive
115 marijuana facilities. The Board referred to the Planning commission a request to study and
116 make a recommendation on what zoning regulations would be appropriate and necessary
117 regarding comprehensive marijuana dispensaries.

118 Missouri Department of Health and Senior Services may only issue Comprehensive
119 marijuana dispensaries to current medical license holders until 8/6/23. Local Government
120 can only regulate the “time, place and manner of operation”.. as long as such regulations are
121 not unduly burdensome. Local Government may prohibit comprehensive dispensaries
122 subject to voter approval of 60% at an election only held in November of presidential
123 election years (Nov 2024).

124 The current CUP for Root66 states they cannot expand their sales to include recreational
125 marijuana without City consent.

126 Sandy Smith, resident, spoke in opposition of recreational marijuana.

127 Jean Fluri, resident, spoke in opposition of recreational marijuana.
128

129 With no further conversation Chair Ahrens formed a roster for subcommittee to meet and
130 discuss regulations further.
131

132 **STATUS REPORTS**

133 **1. BOARD OF ALDERMEN**

134 A potential vote on the PD/MXD zoning text amendment – 2/23



135 **2. SUBCOMMITTEE(S)**

- 136 1. SIGN COMMITTEE – None
137 2. FENCE COMMITTEE – Fence approved at 12800 Westledge
138 3. ARCHITECTURAL REVIEW COMMITTEE – None

139

140 **OTHER ITEMS**

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142 **ADJOURNMENT**

143 Commissioner Jontry moved to adjourn the meeting, with a second by Commissioner Leinauer.

144 Motion was approved by voice vote and the meeting was adjourned at 9:15 p.m.

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147 **Chairperson Anna Ahrens**

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150 **Recording Secretary, Alexandra Knox**

DRAFT