



**PLANNING AND ZONING COMMISSION MEETING MINUTES  
CITY OF DES PERES, MISSOURI  
WEDNESDAY, FEBRUARY 9, 2022  
7:00 PM**

**CALL TO ORDER**

Chairman Ahrens called the meeting to order at 7:00 pm.

**ROLL CALL**

Anna Ahrens	Commission Chairman	
Will Mura	Commission Vice Chairman	
Terrie Gwin	Commission Member	
Tony Pawloski	Commission Member	
Bryan McDonald	Commission Member	
Rob Barringer	Commission Member	
Jim Jontry	Commission Member	
Molly Hartman	Commission Member	
Jonathan Young	Commission Member	
Mary McGrath	Commission Member	(Joined late via Zoom)
Derek Don	Commission Member	
Kurt Leinauer	Commission Member	
Mayor Becker	Mayor	
Alderman Pound	Aldermanic Rep	

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

**AMENDMENT OF AGENDA**

Chairman Ahrens made a motion to move Petition #2 under new business to the first discussion. Motion approved unanimously by voice vote.

**APPROVAL OF MINUTES**

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

**NEW BUSINESS**

**1. PETITION FOR BOUNDARY ADJUSTMENT AT 1050-1084 KINSTERN**

Petitioner – Kelly Development Group, LLC

Mark Kelly, owner of Kelly Development explained his petition to adjust the boundaries of the previously platted 4 lots of 25' to formally create 2 lots. The existing home will remain and a new home will be constructed on the new southern parcel.

S. Meyer informed if this petition is recommended for approval, it will be heard for approval by the Board of Aldermen. Steve added the script needs corrections and the plans need to be signed and sealed.

Also, the plans show an 8' side (front) yard along Academy, which is incorrect due to this property being a corner lot. The front yard will be 25' for both sides. Petitioner understood.

With no further questions from the Commission or community, Commissioner Barringer made a motion to recommend approval of the petition as presented with corrections noted by S. Meyer. Second by Commissioner Don. A roll call vote was taken with the following results: Ahrens, AYE; Mura, AYE; Gwin, AYE; Pawloski, AYE; McDonald, AYE; Barringer, AYE; Jontry, AYE; Hartman, AYE; Young, AYE; Leinauer, AYE; Don, AYE; Mayor Becker, ABSTAIN; Alderman Pound, ABSTAIN. Motion Carries 11-0-2.

**2. PETITION FOR CONDITIONAL USE PERMIT FOR A MEDICAL MARIJUANA DISPENSARY AT 12095 MANCHESTER ROAD**

Petitioner: GF Wellness Fenton, LLC



55 Assistant City Administrator Scott Schaefer gave a power point presentation/refresher of Amendment 2  
56 and how we modified Des Peres Zoning Code to allow for medical cannabis operations. Amendment 2  
57 provides for the limited legal production, distribution, sale and purchase of medical marijuana for a  
58 prescribed list of qualifying health conditions as determined by the Missouri Department of Health and  
59 Senior Services.

60 Amendment 2 prohibits local governments from banning medical cannabis operations and without  
61 amending our zoning code we could've been vulnerable to broad interpretations of our existing laws and  
62 could've potentially let operations operate anywhere in the city.

63 The Planning Commission and the Board of Aldermen sought out to legalize medical marijuana  
64 operations in Des Peres. Cultivation, infused-product manufacturing, testing labs and dispensaries are all  
65 permitted. These operations are only allowed in commercially zoned districts and require a conditional  
66 use permit. The only commercially zoned properties are located along Manchester Road. Local  
67 governments are only allowed to govern the "time, place and manner" of facilities, as long as the  
68 regulations are not "unduly burdensome". The Board of Aldermen approved a 1000' buffer between  
69 schools and churches and medical marijuana facilities. With no questions, Mr. Schaefer turned to the  
70 petitioner to present.

71  
72 Joe Delia, Chief Operating Officer of Root 66 and Dan Welsh (via Zoom) President of Root 66, explained  
73 the medical marijuana dispensary operation and how it will work. They explained their team is heavily  
74 focused on security and compliance. They currently have 3 other Root 66 locations in the St. Louis Area  
75 and was the first to open in the City of St. Louis. Their team has been awarded 10 total licenses in the  
76 state of Missouri. There are no neon signs or paraphernalia depicting marijuana, there will be high end  
77 finishes on the inside, and states the security of the building will be comparable to a bank. All operations  
78 are regulated by the Missouri Department of Health and each facility must operate the same. Only  
79 medical products sold in child resistant packaging are allowed and must not contain a marijuana symbol  
80 or word on the packaging. The State regularly spot inspects each facility for compliance.

81 The end cap location is ideal for security, parking is ample for proposed use, and is unlikely to  
82 significantly add to the traffic on Manchester Road.

83 This floor plan has been tested and maximized for patient flow; a quick in and out with average patient  
84 times being 7minutes. The average demographic is 40-60 year old patient.

85 Root 66 has taken extensive security measures by adding bollards around the facility, having 24 hour  
86 security coverage (cameras) on site, and a security guard in a private room. There will also be an offsite  
87 security center for after-hours surveillance. The "mantrap" vestibule is bullet proof and secured to ensure  
88 the patient behind the one entering cannot rush in. All products and cash are locked in a vault with 1/4"  
89 steel walls. Mr. Delia claims is it virtually impossible to break into their operation.

90 Mr. Welsh states this is not the first time entering the medical cannabis market, it's their fourth (in the  
91 area) so are not unfamiliar to the process. They desire to integrate into the community just as a local  
92 pharmacy would, create jobs and allow for locals to have access to medical cannabis as there were no  
93 licenses granted in Des Peres or Kirkwood in 2019.

94  
95 Chair Ahrens and Commissioner McDonald questioned how the cash will be removed from the store, as  
96 thieves would likely target cash, not products; and how would the product be brought into the building  
97 securely?

98 Mr. Delia answered all cash is stored in the vault at the end of the day. Cash is removed from the site via  
99 armored car service. Product will be delivered to the NW corner of the building by a licensed delivery  
100 service. They are required to call the surveillance office beforehand to ensure there are not any concerns  
101 in the area.

102  
103 Mr. Meyer asked how many patients are allowed into the store at any given time.

104 Mr. Delia answered it is a required 1:1 ratio, normally not any more than 4 patients at a time. If there is  
105 not a patient advisor available at the time, the shop has a secure waiting room.

106 Chairman Ahrens questioned if there'd be congregation in the parking lot?

107 Mr. Delia answered if there was congregation in the parking lot, the security guard would ask loiters to  
108 leave.

109



110 Commissioner McGrath questioned if Missouri would legalize recreational marijuana, would this store  
111 automatically become a recreational dispensary or would it stay medical?  
112 Mr. Welsh and Mr. Graville answered that we cannot decide on the possible future, we can only decide  
113 the petition here and now, but would assume Missouri would have strict regulations as they do now.  
114 Commissioner Hartman asked if the products are approved by the FDA and to explain the inventory  
115 control process.  
116 Mr. Delia answered all products are highly regulated by the state. Each product is sealed and  
117 tested/approved by the State lab. The process is so highly regulated, the State can tell which plant each  
118 product came from and who it's end user it was sold to. Each product is marked with a barcode for  
119 tracking. The FDA to date has not and will not approve cannabis for the treatment of any disease or  
120 condition in any of the states. Mr. Delia states that every person that works in the medical marijuana  
121 industry in the State of Missouri is approved and licensed through the state. Product inventory is taken  
122 each night and each morning and is also placed into the vault upon closing. Inventory is a two person  
123 control process.  
124 Commissioner Barringer asked how this petition blends with the family friendly enterprises that are  
125 currently in the center. Businesses in the future may be opposed to the location because of Root 66.  
126 Commissioner Pawloski asked what the required minimum age is to enter the facility.  
127 Mr. Dalia answered the minimum age to get a medical card is 21. Again, if a patron does not have a  
128 medical card, they cannot enter the building.  
129  
130 Meghan Lamping of Carmody McDonald, representing Briann Realty, owners of the shopping center  
131 directly east of the proposed Root 66 addressed the Commission and petitioners.  
132 There are 36 tenants in the shopping center, most of who are not in favor with the proposed business.  
133 Mathnasium, a math-only learning center for grades K-12, is 45ft from the proposed Root 66. Mathnasium  
134 does not meet the definition of a "school" by Des Peres, but argue that Mathnasium is a school by  
135 Missouri definition. Ms. Lamping claims parents will be afraid to drop their children off for tutoring due to  
136 the cameras and security guards and this proposed business will drive away tenants from the center and  
137 contribute to loss of revenues. She claims Root 66 will use their rear parking lot for loading and  
138 unloading due to skewed property lines. Her client doesn't want this CUP turned down, just believes it  
139 should be located elsewhere.  
140  
141 Mr. Graville spoke to remind the commission they are a recommending body, not an interpretative body  
142 and the decision today needs to be solely about the conditional use, as well as "time, place and manner";  
143 not if medical marijuana should be allowed. He also reiterated that Mathnasium does not meet the  
144 definition of school. If any party wanted to argue the decision of the Zoning Officer (Steve) regarding  
145 school definition, they'd need to take their appeal to the Board of Adjustment.  
146 Mr. Welsh spoke in agreeance with Mr. Graville, stating that Mathnasium is a for profit enterprise, not a  
147 school. He states loading and unloading will not take place on the neighboring property, and saying so is  
148 a false speculation. Root 66 should not be viewed as negative because they have higher requirements  
149 for security.  
150  
151 Commissioner Don asked what size delivery vehicles will be used. He also asked why Root 66 looks so  
152 uninviting and why are there so many bollards around the building; he's never seen a bank or jewelry  
153 store with bollards.  
154 Mr. Delia answered the deliveries will be made via small van or pickup truck. He claimed they want a nice  
155 looking space, but also safe. The bollards contribute to Root 66's layered security plan. If certain  
156 municipalities want more or less they'll revise.  
157  
158 Nina Makalintal, owner of Mathnasium, addressed the commission stating although Mathnasium is not  
159 classified or function as a school, they take the students that need help and evaluate, assess and teach  
160 children just as teachers do. She and her husband do not operate for the profit, it is because of the  
161 children. She is concerned for the safety of the children and also wants this operation moved elsewhere.  
162  
163 With no further questions from the Commission or community, Chairman Ahrens assigned this petition to  
164 subcommittee consisting of the following Commissioners – Mura (Chair), Gwin, Leinauer, Hartman,



165 McGrath (alternate). Commissioner Don made a motion to send this petition to subcommittee. Second  
166 by Commissioner McDonald. A roll call vote was taken with the following results: Ahrens, AYE; Mura,  
167 AYE; Gwin, AYE; Pawloski, AYE; McDonald, AYE; Barringer, AYE; Jontry, AYE; Hartman, AYE; Young,  
168 AYE; McGrath, AYE; Leinauer, AYE; Don, AYE; Mayor Becker, AYE; Alderman Pound, AYE. Motion  
169 Carries 14-0-0

170  
171 **STATUS REPORTS**

172 1. BOARD OF ALDERMEN REPORT

173 Alderman Pound gave the Board of Aldermen report, stating at their January 24 meeting they approved  
174 the Boundary adjustment at 12028 Creekhaven and the petition for subdivision at 12045 Springdale Lane.

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176 2. SUBCOMMITTEE REPORT(S)

- 177 I) Sign Committee – n/a  
178 II) Fence Committee – n/a  
179 III) Architectural Review – n/a

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181 **OTHER ITEMS**

182  
183 **ADJOURNMENT**

184 Commissioner Barringer moved to adjourn the meeting, with a second by Commissioner McDonald.  
185 Motion was approved by voice vote and the meeting was adjourned at 9:30pm.

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187 \_\_\_\_\_  
188 **Chairman Anna Ahrens**

189  
190 \_\_\_\_\_  
191 **Recording Secretary**