



THE CITY OF
MANCHESTER
MISSOURI

CITY OF MANCHESTER

PLANNING AND ZONING COMMISSION MEETING MINUTES

Monday, August 14, 2023. 6:30 p.m.

COMMISSIONERS

Jason Truesdell, Chairman (2026)
Jerry Meyer (2025)
Mark Smith (2026)
Adam Streeter (2026)
Joni Korte (2026)
Paula Glaser (2024)

CITY OFFICIALS AND STAFF

Mike Clement, Mayor
Nelson Nolte, Alderman, Ex-Officio member
Andrea Riganti, Director of Planning, Zoning and Economic Development
Loriell Campbell, Planning Technician
Paul Rost, City Attorney

CASES

REPRESENTATIVES OF CASES

A. **PC-23-VAR-02:** Richard Rognan, owner of 616 Applecross Court, is requesting a variance from Section 405.650(D) Greenspace Requirements of the Zoning Code, to reduce the amount of side yard greenspace below the 50% requirement for the property in the R-4 District for the construction of a driveway.
LOC#24R340998

- **Richard Rognan**
616 Applecross Court
Manchester, MO 63021
- **Neil Bruntrager, Attorney**
225 S Meramec Ave, Ste 1200
Clayton, MO 63015
- **Elmer Teson, Contractor**
1620 Tenson Road,
Hazelwood, MO 63042

B. **PC-23-SP(AR)-005:** Blake Partney, Atlas Restoration Specialists, Inc., representing 14390 Manchester Rd., requesting approval for a site plan application in accordance with Section 405.820 Architecture and Site Plan Review. LOC#23Q43076

- **Blake Partney**
14390 Manchester Rd.
Manchester, MO 63011

C. **PC-23-TXT-002:** Requesting a discussion for a zoning text amendment relating to comprehensive marijuana businesses.

- **City Staff**

1. CALL TO ORDER

Chairman Truesdell called the Planning and Zoning Commission meeting of August 14, 2023, to order at 6:33 p.m. The meeting was held in person at the Manchester Justice Center and virtually via Zoom.

2. ROLL CALL

Chairman Truesdell asked the Recording Secretary to take roll.

| Present | Excused Absence |
|-----------------------|---------------------|
| Commissioner Meyer | Commissioner Glaser |
| Mayor Clement | Alderman Nolte |
| Chairman Truesdell | |
| Commissioner Smith | |
| Commissioner Streeter | |
| Commissioner Korte | |

3. APPROVAL OF MINUTES

Chairman Truesdell motioned to approve the minutes of July 24, 2023, seconded by Mayor Clement. Motion approved unanimously by voice vote.

4. APPROVAL OF AGENDA

Commissioner Truesdell motioned to address new business before old business, seconded by Commissioner Korte. Motion approved unanimously by voice vote.

5. NEW BUSINESS

A. PC-23-SP(AR)-005

Chairman Truesdell introduced case number PC-23-SP(AR)-005, stating the request is for architectural review for the renovation and addition to the residence addressed at 14390 Manchester Road. A vote of the commission is requested.

Chairman Truesdell swore in Blake Partney, contractor representing 14390 Manchester Road.

Blake Partney stated that the store front of the building had been impacted by a vehicle back in April of 2023, plans have been turned into the county as well and they do plan to restore the façade back to its original state.

Director Riganti provided the staff report, stating that the proposed work does meet the city's zoning code.

Chairman Truesdell needed clarification on the Architectural Review requirements.

Director Riganti indicated that certain types of reconstruction to the facade of a building requires an Architectural Review.

Mayor Clement asked what was needed to reconstruct the building.

Blake Partney indicated that structural damage was also an issue for the project.

Mayor Clement asked if the store has been closed due to the work needing to be done.

Blake Partney stated that the store remains open for business until they start the reconstruction, which will close the store down for 2 weeks, because of the lack of ADA access.

Chairman Truesdell motioned to approve the request, seconded by Commissioner Streeter. Motion carried unanimously by voice vote.

Chairman Truesdell asked for the date of anticipated completion.

Blake Partney stated that the anticipated date is near the end of October.

B. PC-23-TXT-002

Chairman Truesdell introduced case number PC-23-TXT-002, stating the request is for discussion only.

Director Riganti provided background and summary on the text amendment request, stating that the text amendment is to address the land use for comprehensive marijuana. Riganti stated in order to accommodate the new use, the city needed to update the current zoning code.

Director Riganti stated what municipalities may and may not do with respect to the zoning code. Riganti also explained that the proposed text amendment was modeled after CVR draft ordinance and complies with Amendment 3, following what the city currently has for medical marijuana.

Director Riganti then presented a map illustrating "Comprehensive Marijuana: Zoning and Distancing Requirements", having a 1,000-foot distance from schools, churches, and daycare facilities.

Director Riganti indicated that some areas will be available for Comprehensive Marijuana facilities, meeting the requirements of Amendment 3.

Director Riganti then explained that this Text Amendment is proposed to come before them again for the August 28th, meeting, followed by Board of Alderman public hearing and first reading held on September 18th, lastly for a seconding reading on October 2nd.

Director Riganti then opened it back up to the commissioners for questions.

Chairman Truesdell questioned if there is a legislative available to not allow comprehensive marijuana in cities, how ex post facto would come into play, and if this would be the same application as prohibition.

Attorney Ering Seele stated that the amendment states that you can only ban dispensaries once the presidential election is over. Seele stated that this is a newly written law and indicated what the City Attorneys believe would happen but could not confirm. She did confirm that this would be the same application as prohibition.

Chairman Truesdell asked if there has been any movement in the city to discuss legislative remedies to the comprehensive marijuana facilities, and if the public is aware of this text amendment.

Director Riganti responded stating that we have not had any movement for remedies, and we have not had a public hearing yet, but the public will be notified of the consideration.

Chairman Truesdell expressed concern on the public not having any input.

Director Riganti confirmed that City Staff will go over beyond for public notice techniques, due to this being a city-wide impact.

Chairman Truesdell questioned if the purpose was to alter the code to allow these facilities, or to clarify what conditions we allow these facilities.

Director Riganti confirmed that both are needed.

Chairman Truesdell asked what would happen if we waited to alter the City's text amendment.

Attorney Seele expressed that this is now a constitutional right and not amending could cause the city to have legal challenges.

Director Riganti stated that establishing a comprehensive marijuana facility as a special use can also give the city confirmation on conditions of the code being met.

Commissioner Meyer asked if this text amendment would allow more space for these facilities in comparison to medicinal marijuana facilities.

Director Riganti confirmed that this will allow more space, reiterating that the city can not create unduly burdensome regulations, also that these types of facilities are comparable to liquor stores. Riganti stated that she can do a further study to determine how much more space was added for the comprehensive versus the medicinal marijuana facilities.

Commissioner Korte questioned if all the non-residential areas were open.

Director Riganti confirmed that the PBD and PCD districts were not included, only C-1 and C-2 districts can contain these facilities.

Chairman Truesdell wanted to know how home-based daycares were defined.

Director Riganti stated they home-based daycares are not included in the definition, and she will get back to the commissioners with the full definition of home-based daycares.

Attorney Seele confirmed that they will have to double check the definition as well.

Chairman Truesdell motioned to postpone for further discussion at the August 28th Commission meeting, seconded by Commissioner Meyer.

6. OLD BUSINESS

A. PC-23-VAR-02

Chairman Truesdell introduced case number 23-VAR-02, stating the request is for the consideration of a variance from Section 405.650(D) Greenspace Requirements, to reduce the amount of side yard greenspace below the 50% requirement.

At 6:58 p.m. Commissioner Meyer recused himself from this case.

Chairman Truesdell swore in Attorney Neil Bruntrager.

Attorney Bruntrager showed an exhibit explaining where the water would drain to, stating that there is no current indication of water runoff issues. He also expressed that the Flo-Well system being purposed should accommodate.

Mayor Clement made a comment on the runoff issues, stating that a neighbor did come before the board indicating a runoff issue coming from 616 Applecross was occurring.

Attorney Bruntrager stated that it may have been a suggestion from the neighbor that there could be runoff issues. He expressed that during the recent heavy rains, Director Riganti would have most likely been notified about any issues of runoff if there were any.

Chairman Truesdell proceeded to clarify that during a previous meeting he did ask the neighbor if there has been any impact, to which the neighbor stated that there were no issues yet.

Attorney Bruntrager argued that the Flo-Well system proposed location is the best option, and that this system should take care of the possible drainage issue if it were to be approved.

Elmer Tenson, Contractor with Tenson Landscaping described the Flo-Well system's drainage and connections, the NDS calculator that was used to determine the number of Flo-Well systems needed, and the way that the land lays on 616 Applecross.

Commissioner Korte asked to clarify what runoff the system was purposed to collect.

Elmer Tenson confirmed that the 25-year rainfall designed Flo-Well system will collect runoff from the newly added sidewalk and garage addition.

Commissioner Korte questioned the amount of maintenance for the Flo-Well system.

Elmer Tenson confirmed that the grates would have to stay clear, which will have filters built in which are accessible at the top.

Mayor Clement wanted to know of the point of access during construction.

Elmer Tenson stated that they will be using a mini skid loader which he claimed to have plenty of room for, coming in from the street.

Chairman Truesdell requested members from the public to take their time to speak.

Jerome Meyer was sworn in by Chairman Truesdell.

Jerome Meyer stated his concerns on the number of Flo-Well systems needed, indicating that his calculations differ from the contractor's calculations due to the runoff area being considered.

Chairman Truesdell wanted to confirm if Jerome Meyer was being affected by 616 Applecross's runoff.

Commissioner Meyer confirmed that he would not be affected by the runoff due to his lot being at a higher elevation.

Commissioner Smith stated that it is not up to the board to approve the engineering requirements, and asked if the board could approve the variance under a condition.

Mayor Clement stated that he did not want to approve the variance with a condition and would like to move forward with a motion.

Director Riganti stated that there is a City Property Maintenance Code that can address any issue that would come up.

Chairman Truesdell called for a motion.

Mayor Clement made a motion to approve a variance for 616 Applecross Court to allow a reduction in the amount of sideyard greenspace below the 50% requirement to the limited extent

necessary to allow the sidewalk and other impervious surfaces constructed in association with the project (building permit no.21-06103) to remain, conditioned upon owners installation and maintenance of the Flo-Well storm sewer leaching system submitted here tonight to address runoff from gutters and all impervious surfaces; further conditioned upon there being no further reduction in side yard greenspace; and further conditioned upon there being no further expansion or replacement of the sidewalk near the east property line. Motioned seconded by Chairman Truesdell. Motion approved by role call vote, recorded as follows:

| Ayes | Nays | Excused |
|-----------------------|------|---------------------|
| Mayor Clement | 0 | Commissioner Glaser |
| Chairman Truesdell | | Alderman Nolte |
| Commissioner Smith | | Commissioner Meyer |
| Commissioner Streeter | | |
| Commissioner Korte | | |

At 7:31pm Commissioner Meyer re-joined the Commission meeting.

7. PLANNING AND ZONING DIRECTOR'S REPORT

Director Riganti informed the Commission that there will be some upcoming text amendments, which will be distributed to the Commissioners along with purposed timelines. Riganti stated that there is a code amendment proposal for Nuisance, Chapter 215 pertaining to lighting that will be coming before the Commission.

8. MAYORAL REPORT

Mayor Clement reported on the upcoming City Homecoming event. He also mentioned that Devin Cooper from the City's Parks Department had been in an accident earlier that morning of August 14th.

9. EX-OFFICIO'S REPORT - Excused

10. COMMENTS FROM THE PLANNING AND ZONING COMMISSION - none

11. ADJOURNMENT

Commissioner Nolte made the motion to adjourn the Planning and Zoning Commission meeting of August 14, 2023, at 7:40p.m. Motion seconded by Commissioner Korte. Motion carried unanimously by voice vote.

Respectfully submitted by:
 Loriell Campbell, Planning Technician
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