

CITY OF FLORISSANT



Planning and Zoning Commission  
Unofficial Planning & Zoning Minutes

July 25, 2019

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Unofficial Planning & Zoning Minutes  
Special Meeting

July 25, 2019

The Planning and Zoning Commission met in Council Chambers at Florissant City Hall, 955 rue St. Francois on Thursday, July 25, 2019 at 7:00 p.m. with Chairman Olds presiding.

**Roll Call**

On Roll Call the following members were present: Steve Olds, Robert Nelke, Tim Lee, David Smith, Lee Baranowski and Allen Minks. John Martine was excused. Also present was Phil Lum Building Commissioner and Anita Moore Deputy City Clerk. A quorum being present the Planning and Zoning Commission was in session for the transaction of business.

**New Business****Item 1          Medical Marijuana Dispensary****PZ072519-1   8454 N Lindbergh****Recommend Approval - Ward 3**

Phil Lum, Building Commissioner, presented the staff report for this request. He displayed a GIS map showing approved locations for medical marijuana dispensaries within the city. The proposed location is eligible for consideration, under the city's ordinance No. 8519, for a special use permit in this B-3 Zoning District. The petitioner submitted a floor plan of the tenant space which will be ADA accessible. No exterior work is planned. Mr. Lum noted that Ordinance No. 8519 restricts dispensaries from being located closer than 300 feet from a church, school or child day care. The state will issue 24 licenses per each Congressional District. Florissant is located in District No. 1.

Mr. Woolbright, petitioner, appeared before the Commission and stated that MoCanCure has been working on this initiative for 4 1/2 years. They especially address compliance, enforcement and security regulations. Mr. Woolbright has seen many people desperately in need of this product for serious illnesses and he would like to provide medical marijuana for relief. Individuals with multiple sclerosis and seizures can especially benefit. Top security individuals, legal counsel, pharmacists, medical consultants and doctors are all part of the MoCanCure's Team. The employees will receive extensive training based on what they are hired to do. Mr. Woolbright stated that he thought their hours of operation would be approximately 8 am to 8 pm, normal business hours, seven days a week.

Chairman Olds moved to recommend approval of a Special Use Permit to allow for a medical marijuana dispensary at 8454 N Lindbergh in a B-3 Zoning District, according to the proposal prepared by the petitioner as described in related documents presented and according to the attached drawing: Floor Plan by SPACE, drawing A2-17 and the following additional requirements:

**GENERAL DEVELOPMENT CONDITIONS.**

a. Unless, and except to the extent otherwise specifically provided herein, development shall be effected only in accordance with all ordinances of the City of Florissant.

b. The Department of Public Works shall enforce the conditions of this ordinance in accordance with the Site Development Plan approved and all other ordinances of the City of Florissant.

PROJECT COMPLETION.

Construction shall start within 90 days of the issuance of building permits for the project and shall be developed in accordance of the approved final development plan within 6 months of start of construction.

The motion was seconded by Minks. On Roll Call the Commission voted: Minks yes, Olds yes, Nelke yes, Martine absent, Lee yes, Smith yes and Baranowski yes. Motion carried.

Mr. Lee moved to amend the agenda to move Item Number 3 to the next request, seconded by Olds. Motion carried.

**Item 3            Medical Marijuana Dispensary**  
**PZ072519-3   444 Howdershell Rd**  
**Recommended Approval - Ward 3**

Phil Lum, Building Commissioner, presented the staff report for this request. He explained that site is located in the Villa Del Cresta Shopping Center. Parking easily complies with the ordinance. The petitioner submitted a completed site plan and proposed floor plan. The dispensary requires a Special Use Permit. Also, the proposed facility meets the requirement of not being located closer than 300 feet from a church, school or child day care. Mr. Minks asked if the state had put restrictions on dispensaries being located near residential areas to which Mr. Lum stated no.

Mr. Brad Rhodes, petitioner for Robust Holding Missouri, stated that he studied biochemistry in college and worked on medical research for Washington University. He has specifically been treating epilepsy patients with marijuana. Also, he has run a medical cultivation and processing center in Missouri for the last three years.

In this dispensary, there will be private areas at which customers and patients can discuss their concerns and get advice from consultants. He has consultants from Oregon, Colorado, Maryland and California. Mr. Rhodes also has several doctors, pharmacists and product developers on his team. A patient will have to have a medical marijuana card from the State and identification before they will be allowed to purchase any products. Both are needed. Security will be of utmost importance.

Chairman Olds moved to recommend approval of a Special Use Permit to allow for a medical marijuana dispensary at 444 Howdershell Road in a B-3 Zoning District, according to the proposal prepared by the petitioner as described in related documents presented and according to the attached drawing: Floor Plan to be stamped recommended approved and the following requirements:

GENERAL DEVELOPMENT CONDITIONS.

a. Unless, and except to the extent otherwise specifically provided herein, development shall be effected only in accordance with all ordinances of the City of Florissant.

b. The Department of Public Works shall enforce the conditions of this ordinance in accordance with the Site Development Plan approved and all other ordinances of the City of Florissant.

PROJECT COMPLETION.

Construction shall start within 90 days of the issuance of building permits for the project and shall be developed in accordance of the approved final development plan within 6 months of start of construction.

The motion was seconded by Smith. On Roll Call the Commission voted: Minks yes, Olds yes, Nelke yes, Martine absent, Lee yes, Smith yes and Baranowski yes. Motion carried.

**Item 2 Amend the Zoning Code**

**PZ072519-2 Amend Ordinance No. 8519 regarding medical marijuana**

**Recommended Approval**

Phil Lum, Building Commissioner, presented the staff report for this request. He stated that the Zoning Code currently allows medical marijuana establishments as “Special Uses.” As a result of research and the need to be more consistent with State regulations, staff recommended that medical marijuana establishments be considered as “Permitted Uses” in certain Zoning Districts. Also, it has come to the attention of staff that State deadlines for applying for licensure has been limited to a short period of time ending on August 17, 2019. The City has been in contact with recent applicants concerning the limitation of time to make an application to the State. Staff therefore recommends revising these establishments in the Zoning Code to be “Permitted Uses,” rather than “Special Uses” by changing the existing Ordinance No. 8519.

Chairman Olds stated that he considers medical marijuana establishments akin to Walgreens or CVS Pharmacies. Bill No. 8519 is for medicinal marijuana, not for recreational marijuana. Also, he stated that if dispensaries became “Permitted Uses,” there would be no need for the 300 foot *special* requirement for a dispensary, since it would then be *permitted*. Mr. Lee stated that he read the State

statue, and it does not say the city “should” limit the distance, just that if it did, it could be no farther than 1000 feet. Mr. Lee suggested changing the requirement from 300 feet to 100 feet.

Mr. Minks stated that if the Commission eliminated the 300 ft requirement or changed it to 100 ft, he would not be voting for the change. Discussion was had regarding various distances.

Mr. Lum stated that there have been requests by various petitioners to change the Zoning Code to allow dispensaries in a B-2, Central Business District. Chairman Olds stated that there were very few pockets of B-2 Central Business District in the city.

Mr. Lee moved to amend the Zoning Code in Section (2) 405.125, from 300 feet to 100 feet for dispensaries, seconded by Olds. Discussion was had. Mr. Lee *Called for the Question* in order to vote on the distance requirement. Chairman Olds requested a roll call vote. On Roll Call the Commission voted: Minks no, Olds yes, Nelke yes, Martine absent, Lee yes, Smith yes and Baranowski yes. Motion carried.

Mr. Lum stated that there was a resident in the audience who would like to speak on this subject.

Amber Strick, 1260 Mallard Lane, appeared before the Commission and stated that she too has planned on opening a medical marijuana dispensary and has been working on the application since December. She lives and owns two businesses in Florissant and employs 115 people in the area. Ms. Strick worked diligently to find an appropriate and compliant dispensary location, which she eventually found in a commercial area. She signed a 5 year lease for the site and discovered yesterday that the property is zoned B-2, “Central Business District,” which is not acceptable for a dispensary according to Ord. 8519. She asked that since the Commission was reviewing changes to the Zoning Code in regard to dispensaries this evening, could they review zoning in the B-2, Central Business District, as well. The proposed site on Halls Ferry is not located anywhere near a church school or daycare. She too is under the state’s required deadline just as the other petitioners this evening.

Mr. Lee suggested making dispensaries “Permitted Uses” in B-2 Central Business Districts since they were reviewing the zoning code this evening. The other Commission members agreed.

Mr. Lum explained that a B-2 zoning is a *Central Business* zoning district. There are only three B-2 Zoning Districts in Florissant. During annexations, St. Louis County designated some sites to be B-2 in an attempt to make them comparable to Florissant’s Zoning.

Mr. Lum explained the process which would occur if the Commission recommended that the Zoning Code be changed to allow medical marijuana as a “Permitted Use.” This request would be first on the City Council agenda on August 12. If Council passed the change to the Zoning Code, these petitioners could simply apply for a business license the following day and withdraw their requests for a

Special Uses. On the other hand, if Council does not allow for dispensaries as Permitted Uses, then they will have to proceed as a Special Use.

Mr. Baranowski moved to amend the Zoning Code to include dispensaries in B-2 “Central Business Districts,” seconded by Olds. Chairman Olds requested a roll call vote. On Roll Call the Commission voted: Minks yes, Olds yes, Nelke yes, Martine absent, Lee yes, Smith yes and Baranowski yes. Motion carried.

Chairman Olds moved to recommend approval to amend Title IV “Land Use” of the Florissant City Code, Ord. 8519, as follows:

Changes to Section 2 underscored as follows:

Section 2: 405.125, ‘B-3’ Extensive Business District, Subsection B. Permitted Uses is amended to include new entries as follows and renumbered accordingly. . . .”

Changes to Section (2), 405.125, change 300 feet to 100 feet

Changes to Section 3 underscored as follows:

Section 2: 405.140, ‘M-1’ Limited Industrial District, Subsection B. Permitted Uses is amended to include a new entry as follows and renumbered accordingly. . . “

Changes to Section 4 underscored as follows:

Section 2: 405.145, ‘M-2’ Industry District, Subsection B. Permitted Uses is amended to include a new entry as follows and renumbered accordingly. . .

Medical Marijuana Dispensary Facility - (NAICS CC453999), which abides by all applicable laws and regulations, but no Medical Marijuana Dispensary Facility shall be sited on a property within one hundred (100) feet of a property of any then-existing church, day care center, elementary or secondary school. Measurements shall be made from the closest property line of the proposed Dispensary Facility to the closest property line of any such other use listed in this section, or in the case of location of a no Medical Marijuana Dispensary Facility in a Shopping Center, the measurement shall be taken from a determined centroid of the facility. On-site Usage Prohibited: No Marijuana shall be smoked, ingested, infused or otherwise consumed on the premises. All licenses issued to any Facility shall be displayed at the Facility.

Changes to Section 5 underscored as follows:

Section 2: 405.155, NU Non-Urban District, Subsection B. Permitted Uses is amended to include a new entry as follows and renumbered accordingly. . . “

Add Section 6 underscored as follows:

Section 405.120, ‘B-2’ Central Business District, Permitted Uses is amended to include a new entry to Subsection B as follows:

Medical Marijuana Dispensary Facility - (NAICS CC453999), which abides by all applicable laws and regulations, but no Medical Marijuana Dispensary Facility shall be sited on a property within one hundred (100) feet of a property of any then-existing church, day care center, elementary or secondary school. Measurements shall be made from the closest property line of the proposed Dispensary Facility to the closest property line of any such other use listed in this section, or in the case of location of a no Medical Marijuana Dispensary Facility in a Shopping Center, the measurement shall be taken from a determined centroid of the facility. On-site Usage Prohibited: No Marijuana shall be smoked, ingested, infused or otherwise consumed on the premises. All licenses issued to any Facility shall be displayed at the Facility.

The motion was seconded by Lee. On Roll Call the Commission voted: Minks no, Olds yes, Nelke yes, Martine absent, Lee yes, Smith yes and Baranowski yes. Motion carried.

Mr. Minks moved to adjourn the meeting, seconded by Smith. Motion carried. Meeting adjourned at 8:57 p.m.

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Anita Moore, Deputy City Clerk