



**MINUTES OF THE
PLANNING AND ZONING COMMISSION MEETING
1 GOVERNMENT CTR ♦ BALLWIN MO 63011
MARCH 6, 2023**

Chairman Weaver called the meeting to order at 7:00 p.m. Members in attendance were:

PRESENT

Chairman Mark Weaver
Secretary Olivia Pieknik
Commissioner Grant Alexander
Commissioner Gary Carr
Commissioner Chad Silker
Commissioner Victoria Winfrey
Alderman Mark Stallmann
Mayor Tim Pogue

ABSENT

Commissioner Derek Beiter
Commissioner Mike Swain

Planning Technician Shawn Edghill
City Administrator Eric Serman
City Attorney Robert Jones

Approval of Minutes

A motion was made by Alderman Stallmann to accept the minutes of the February 6, 2023 meeting as submitted. Secretary Pieknik seconded the motion, which received unanimous approval from the Commission members present.

SUB 23-01 – Simple Lot Split

Olde Towne Plaza, 14810 Manchester Road, Ballwin, MO 63011
Petitioner: Gerald Bedrin, 65 Harristown Rd., Glen Rock, NJ 02457

Mr. Joe Pflieger addressed the Commission on behalf of Mr. Bedrin, requesting approval for the lot split. He said this will not create any new lots, access points, easements, or streets.

Mayor Pogue asked if both lots will remain under the current ownership. Mr. Pflieger said he did not know. Alderman Stallmann asked if Mr. Pflieger knew the reason behind the petition, to which Mr. Pflieger responded that he did not.

Commissioner Alexander asked if the lot split had been reviewed from a building code standpoint; as a result of proposed this lot split, one building will be on two lots. His concern is making sure that the separating walls meet code.

Mayor Pogue asked City Attorney Jones if this type of split would create any conflicts with setbacks, as the property line would go through the building; and if so, how would that be addressed? City Attorney Jones said it could make the lots non-conforming; he would have to check the dimensions. If this is the situation, this could not be handled as a simple lot split. Alderman Stallmann asked City Attorney Jones if this needs to be resolved before making a recommendation to the Board of Aldermen. City Attorney Jones said the recommendation can include the provision to resolve the issue.

Commissioner Alexander said that he would like the proposed lot split to be reviewed by a registered architect to ensure that no building codes are being violated and that no updates to the building are required as a result of the lot split.

Chairman Weaver opened the public hearing and asked if anyone wished to speak in favor of Petition SUB 23-01. No one came forward, and Chairman Weaver asked if anyone wished to speak in opposition to the petition. No one came forward, and Chairman Weaver closed the public hearing.

City Attorney Jones said that in reviewing the ordinance for Olde Towne Plaza, there are no required side yard setbacks.

Mayor Pogue made a motion to recommend approval of Petition SUB 23-01 to the Board of Aldermen, with the contingent on staff approval that the petition meets all criteria of the definition of a simple lot split. Commissioner Alexander seconded the motion, which received unanimous approval from the Commissioner members present.

Z 23-01 – Marijuana Use Ordinance Change

Petitioner: Shawn Edghill, City of Ballwin, 1 Government Ctr., Ballwin MO 63011

Planning Technician Edghill said this change is based on the statewide approval and adoption of Amendment 3, and will update the language in the zoning code as it relates to medical and recreational marijuana.

Mayor Pogue asked City Attorney Jones if there are any substantial changes – other than including recreational marijuana – to what was approved previously for medical marijuana. City Attorney Jones responded that when the zoning was approved for medical marijuana, the spacing from schools, churches, and daycares, was reduced from the maximum of 1,000 feet to 300 feet. This will apply to recreational use marijuana as well. He said the new Amendment 3 clarifies how this distance is measured: from the external wall of the marijuana facility closest in proximity to the school to the closest point of the property line to the school (unless the school is part of a larger facility). City Attorney Jones said the 1500 ft required spacing between facilities remains unchanged.

Secretary Pieknik asked City Attorney Jones about facilities under the same ownership. Can they be within the 1500 ft requirement? City Attorney Jones said that is correct, as long as they are not within 300 ft of a school, church, or daycare. Commissioner Winfrey asked if there is a limit on the number of facilities that can open in the City of Ballwin. City Attorney Jones said it is limited to three of each type (dispensary, cultivation, and marijuana-infused), so there could be a total of nine.

Commissioner Carr asked how this falls under federal guidelines. City Attorney Jones said it is still illegal.

Chairman Weaver opened the public hearing and asked if anyone wished to speak in favor of Petition Z 23-01. No one came forward, and Chairman Weaver asked if anyone wished to speak in opposition to the petition. No one came forward, and Chairman Weaver closed the public hearing.

Mayor Pogue made a motion to recommend approval of Petition Z 23-01 to the Board of Aldermen. Commissioner Winfrey seconded the motion. A voice vote was taken with the following result: Aye – Weaver, Pieknik, Alexander, Silker, Winfrey, Stallman, and Pogue. Nay – Carr.

Other Business

Chairman Weaver asked if there are any items for the April 2023 agenda. Planning Technician Edghill said that there are none.

Chairman Weaver noted that this is Planning Technician Edghill's last Planning & Zoning Commission meeting, as he moves on to a new position. The Commission members thanked Mr. Edghill for his service to the City.

Adjournment

Secretary Pieknik made a motion to adjourn the meeting. Commissioner Alexander seconded the motion, which received unanimous approval from the Commission members present. The meeting was adjourned at 7:22 p.m.

J. Mark Weaver, Chairman
Planning & Zoning Commission