

**PLANNING AND ZONING COMMISSION
AGENDA
TUESDAY, MAY 14 , 2019
7:00 P.M.**

- 1. CALL TO ORDER:**
- 2. ROLL CALL:**
- 3. APPROVAL OF MINUTES**
 - 1. Planning & Zoning Meeting – April 9, 2019**
- 4. PUBLIC HEARINGS:**
 - 1. PZ2019-07: A Public Hearing to consider an application for a Conditional Use Permit to convert a residential structure to commercial use located at 422 E. Osage Street, St. Louis County Parcel ID #30Z310367. Gallagher Mechanical, applicant**
 - 2. PZ2019-08: A Pubic Hearing to consider an application for a Conditional Use Permit to conduct outside equipment storage at 227-229 E. Central Street, Franklin County Parcel ID #19-1-12.0-4-004-109.000. Gallagher Mechanical, applicant.**
 - 3. PZ2019-06: A Public Hearing to consider proposed Text Amendments to Zoning District regulations governing Medical Marijuana uses in the City of Pacific.**
- 5. PUBLIC PARTICIPATION-SPEAKER CARDS**
- 6. NEW BUSINESS:**
 - 1. PZ2019-07: Consideration of an application for a Conditional Use Permit to convert a residential structure to commercial use located at 422 E. Osage Street. Gallagher Mechanical, applicant**
 - 2. PZ2019-08: Consideration of an application for a Condition Use Permit to conduct outside equipment storage at 227-229 E. Central Street. Gallagher Mechanical, applicant.**

3. PZ2019-06: Consideration of proposed Text Amendments to Zoning District regulations governing Medical Marijuana uses in the City of Pacific.

7. OLD BUSINESS:

8. COMMITTEE REPORTS:

1. BOARD OF ALDERMEN

2. BOARD OF ADJUSTMENT

9. OTHER BUSINESS:

10. ADJOURNMENT

This Meeting is Open To The Public

Note: The Planning and Zoning Commission will consider and act upon these matters listed above and any such others as may be presented at the meeting and determined appropriate for discussion at that time.

**CITY OF PACIFIC
RECORD OF PROCEEDINGS**

**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
AT THE PACIFIC CITY HALL, 300 HOVEN DRIVE
APRIL 9, 2019**

The Planning and Zoning Commission Meeting was called to order by Chairman Bruns at 7:00 P.M. on April 9, 2019, at Pacific City Hall, 300 Hoven Drive, Pacific, Missouri.

The roll call was taken with the following results:

PRESENT

Chairman Bruns
Alderman Rahn
Commissioner Smith
Commissioner Miles
Commissioner Graham
Commissioner Eversmeyer
Commissioner Brocato

ABSENT

Commissioner Koelling
Commissioner Bates

Administrator Roth and Rae Cowsert were also in attendance.

APPROVAL OF MINUTES

A. Planning & Zoning Meeting – March 26, 2019

A motion was made by Commissioner Eversmeyer and seconded by Commissioner Miles to approve the minutes. A voice vote was taken and the motion was approved 7-0.

PUBLIC HEARINGS:

- 1. PZ2019-05: A Public Hearing to consider an application for a Final Plat for an approximate .57 acre tract of land generally located at 114 Hogan Avenue, south of W. St. Louis Street (Parcel #19-1-11.0-4-031-018.000). The property is generally bounded by residential to the north, east, south, and west. The applicant is requesting approval to divide the parcel into two lots in the R-1A Single Family Zoning District. Gatlin Properties, applicant.**

Chairman Bruns opened the public hearing and asked if it was posted. Rae Cowser stated yes it was posted. Administrator Roth presented the staff report. He stated that staff recommends approval. Kendall Fox did not have anything to add to the staff report. Chairman Bruns stated the homes they have built thus far look very nice. There being no further comments or questions, Chairman Bruns closed the public hearing.

SPEAKER CARDS

None

NEW BUSINESS:

1. **PZ2019-05: Consideration of an application for a Final Plat for an approximate .57 acre tract of land generally located at 114 Hogan Avenue. Gatlin Properties, applicant.**

A motion was made by Commissioner Eversmeyer and seconded by Commissioner Brocato to approve the application. A vote was taken with the following results: Ayes, Commissioner Brocato, Commissioner Graham, Commissioner Eversmeyer, Chairman Bruns, Alderman Rahn, Commissioner Smith, Commissioner Miles; Nays, none. The motion was approved 7-0 and will be presented to the Board of Aldermen on April 16, 2019.

2. **Waiver Request – Property located on North Second Street and West Park Street owned by Mark Boevingloh.**

Administrator Roth presented a Staff Report for this request. Mr. Boevingloh went to the Board of Adjustment appealing the decision by the City Administrator denying their request to build on these lots as it does not meet the minimum lot dimensions in that zoning district. The Board of Adjustment ruled he can build on the lots which will be combined into one lot but he does have to meet the setback requirements. Mr. Boevingloh is now requesting a waiver from having to install curb and gutter at this location. Chairman Bruns stated they have had this discussion several times about requiring Curb and Gutter. Commissioner Brocato stated she feels it should be treated just like every other development. A motion was made by Commissioner Brocato and seconded by Commissioner Smith to require curb and gutters on the site. A vote was taken with the following results: Ayes, Commissioner Brocato, Commissioner Eversmeyer, Chairman Bruns, Alderman Rahn, Commissioner Smith. Commissioner Miles; Nays, Commissioner Graham. The motion was approved 6-1.

OLD BUSINESS

None

COMMITTEE REPORTS

A. Board of Aldermen

Alderman Rahn stated he had nothing to report.

B. Board of Adjustment

Administrator Roth stated there was a hearing held on March 20 for two items. First State Bank requested a variance for the height of their sign and it was granted by the Commission. The second was the continuation of the hearing for Pacific Mobile Manor and the Commission voted in favor of the City's decision.

OTHER BUSINESS

Chairman Bruns asked if people could have hand-painted signs on their businesses. Administrator Roth stated he would check into it.

ADJOURNMENT

There being no further discussions, Chairman Bruns asked for a motion to adjourn. A motion was made by Commissioner Smith and seconded by Commissioner Miles. A voice vote was taken and the meeting was adjourned at 7:20 p.m.

Jerry Eversmeyer, Secretary

NOTICE OF PUBLIC HEARING
CITY OF PACIFIC
PLANNING & ZONING COMMISSION

Notice is hereby given that Public Hearings at the following dates and times shall be held by the City of Pacific to hear comments on proposed text amendments to Pacific Municipal Code Title IV: Land Use.

- Planning and Zoning Commission, May 14, 2019, 7 p.m.
- Board of Aldermen, May 21, 2019, 7 p.m.

Both hearings shall be held at Pacific Government Center, 300 Hoven Drive, Pacific, MO 63069.

The proposed text amendments pertain to Zoning District regulations governing medical marijuana uses in the City of Pacific.

Anyone interested in the proceedings will be given an opportunity to be heard. Copies of the proposed amendments are available for review at Pacific City Hall, 300 Hoven Drive during weekdays between the hours of 8:00 a.m. and 5:00 p.m. A copy is also available online at www.pacificmissouri.com. If you should need additional information, please contact Steve Roth, City Administrator, by telephone at 636-271-0500 ext 213 or by email at sroth@pacificmissouri.com

BILL NO. _____

ORDINANCE NO. _____

SPONSOR _____

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF TITLE IV: LAND USE, CHAPTER 400; ZONING CODE, TO ESTABLISH A MEDICAL MARIJUANA LAND USE WITHIN THE CITY OF PACIFIC, MISSOURI.

WHEREAS, on November 6, 2018, a majority of the qualified voters of the State of Missouri approved the adoption of Amendment 2 to the Missouri Constitution, to enact Article XVI, Section 1, relating to access to medical marijuana, which became effective on December 6, 2018; and

WHEREAS, Amendment 2 permits cities to enact ordinances not in conflict therewith governing the time, place, and manner of operation of medical marijuana cultivation facilities, medical marijuana dispensary facilities, medical marijuana-infused products manufacturing facilities, and medical marijuana testing facilities; and

WHEREAS, the City of Pacific wishes to regulate the location and operation of medical marijuana cultivation facilities, medical marijuana dispensary facilities, medical marijuana-infused products manufacturing facilities, and medical marijuana testing facilities to protect the health, safety, and welfare of the residents, businesses, and property owners in the City; and

WHEREAS, the general welfare, health, morals and safety of the citizens of this City will be promoted by enactment of this Chapter, and

WHEREAS, a Public Hearing was held on _____, 2019 by the Planning and Zoning Commission regarding the proposed ordinance; and

WHEREAS, following the Public Hearing on _____, 2019 by the Planning and Zoning Commission and after consideration of the request and testimony presented therein, the Planning and Zoning Commission recommended approval of the ordinance to the Board of Aldermen; and

WHEREAS, a Public Hearing was held on _____, 2019 by the Board of Aldermen regarding the ordinance; and

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PACIFIC, MISSOURI, AS FOLLOWS:

Section 1. Section 400.040: Definitions of the Municipal Code is hereby amended to read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect).

“Marijuana” or “Marihuana” *Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-

infused products. “Marijuana” or “Marihuana” do not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

Marijuana-Infused Products, Products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

Medical Marijuana Cultivation Facility, A facility licensed by the Missouri Department of Health and Senior Services to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.

Medical Marijuana Dispensary Facility, A facility licensed by the Missouri Department of Health and Senior Services to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility.

Medical Marijuana-Infused Products Manufacturing Facility, A facility licensed by the Missouri Department of Health and Senior Services to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility.

Medical Marijuana Testing Facility, A facility certified by the Missouri Department of Health and Senior Services to acquire, test, certify, and transport marijuana.

Section 2. Section 400.150.B of Article II: District Regulations of Title IV of the Municipal Code is hereby amended to read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect).

B. Permitted Uses

13. Medical marijuana cultivation facility entirely within an enclosed building
14. Medical Marijuana-Infused Products Manufacturing Facility
15. Medical Marijuana Testing Facility

Section 3. Section 400.140.B of Article II: District Regulations of Title IV of the Municipal Code is hereby amended to read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect).

B. Conditional Use Regulations

12. Medical marijuana cultivation facility entirely within an enclosed building
13. Medical Marijuana-Infused Products Manufacturing Facility
14. Medical Marijuana Testing Facility

Section 4. Section 400.130.B of Article II: District Regulations of Title IV of the

Municipal Code is hereby amended to read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect).

B. Permitted Uses

8. Medical marijuana dispensary facility

Section 5. Section 400.120.B of Article II: District Regulations of Title IV of the Municipal Code is hereby amended to read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect).

B. Permitted Uses

31. Medical marijuana dispensary facility

Section 6. Section 400.060.B of Article II: District Regulations of Title IV of the Municipal Code is hereby amended to read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect).

B. Conditional Use

12. Medical marijuana cultivation facility (outside)

Section 7. Section 400.236 of Article VI: Supplementary District Regulations of Title IV of the Municipal Code is hereby added.

400.236 Medical Marijuana. The purpose of this division is to regulate the placement and licensing of facilities for the dispensing, selling, cultivating, manufacturing, storing, and testing of marijuana and marijuana-infused products, to the extent permitted by the Missouri Constitution, applicable statutes enacted by the General Assembly, and regulations promulgated by the Missouri Department of Health and Senior Services, and to protect the health, safety, and welfare of the residents, businesses, and property owners in the City.

- A. No marijuana related use, activity or facility shall emit an odor or in any way cause a public nuisance per Chapter 225 of this Code. Appropriate ventilation systems to prevent any odor of marijuana or fumes from leaving the premises or other changes to the facilities can be required if a public nuisance violation occurs.
- B. No more than a total of three (3) Medical Marijuana Dispensary Facilities will be allowed within the City Limits.
- C. Each Medical Marijuana Cultivation Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility shall be located on properties that meet the following distance requirements:
 - 1. No marijuana related uses shall be operated or maintained within one hundred (100) feet of any school, child day-care center or

church.

2. No marijuana related uses shall be operated or maintained within one thousand five hundred (1,500) feet of another marijuana related use except when marijuana sales represents less than 5% of the dollar volume of business in a state or federally licensed pharmacy. Marijuana related uses under the same ownership and on the same property are exempt from this requirement.
 3. The distances described in this section shall be computed by direct measurement from any building on land used for the above purposes to the nearest portion of the building housing the Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility, using a straight line.
- D. The waiting area and the area of a Medical Marijuana Dispensary Facility where marijuana or marijuana-infused products are physically delivered to a qualifying patient or primary caregiver shall be separated by a solid wall and solid door so that persons in the waiting area are obstructed from observing the delivery of the marijuana or marijuana infused products to the qualifying patient or primary caregiver. No loitering will be permitted at any facility.
 - E. No marijuana or marijuana-infused product shall be displayed so as to be visible through glass, windows, or doors by a person of normal visual acuity standing at the outside perimeter of a Facility.
 - F. Paraphernalia as defined in section 215.610, excluding (l) of the Revised Statutes of Missouri, as may be amended, may be lawfully sold at a Medical Marijuana Dispensary Facility. Such items may not be publicly displayed and may be sold, displayed and provided only to patients or primary caregivers of patients.
 - G. The sale or consumption of alcohol within a Facility is prohibited.
 - H. No person under the age of eighteen (18) shall be allowed in any portion of a Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility or Medical Marijuana-Infused Products Manufacturing Facility. The entrance to a Facility shall be clearly and legibly posted with notice indicating that persons under the age of eighteen (18) are precluded from entering the premises.
 - I. A Medical Marijuana Dispensary Facility shall not dispense more than four (4) ounces of a usable form of medical marijuana per patient in a thirty day period, except as otherwise allowed by law [Art. 2, sec 3(13)]. All marijuana sold or otherwise distributed shall be in a sealed container. Such packaging shall have a label that indicates the quantity and advises the purchaser that the marijuana is intended for use solely by the patient, and that any resale or redistribution to any third person is a criminal violation.
 - J. The consumption, inhalation or other personal use of marijuana or medical marijuana-infused products on or within the premises of a Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility is prohibited, except that a Medical Marijuana Testing Facility may consume marijuana during the testing process and only as the consumption relates to the testing process.
 - K. Dispensaries can be on the same property as a cultivation facility, a Medical

Marijuana-Infused Products Manufacturing Facility or a Medical Marijuana Testing Facility but are not permitted to be within the same building as any other marijuana related use.

L. Security Plans. Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility shall provide adequate security on the premises including, but not limited to, the following:

1. Surveillance. Security surveillance cameras installed to monitor each entrance to the Facility along with the interior and exterior of the premises to discourage and to facilitate the reporting and investigation of criminal acts and nuisance activities occurring at the premises. Security video shall be preserved for at least ninety (90) days, and be made available to law enforcement officers upon demand.
2. Inventory. All salable inventory of marijuana must be kept and stored in a secured, locked manner.
3. Safe. A locking safe or secure vault permanently affixed or built into the premises to store any currency on site.
4. Alarm System. Professionally monitored robbery alarm and burglary alarm systems shall be installed and maintained in good working condition within the Facility at all times.
5. Emergency Contact. Each Facility shall provide the chief of police with the name, cellular telephone number, electronic mail address, and facsimile number of an on-site Facility employee to whom the City may provide notice of any operating problems associated with the Facility. It shall be the responsibility of the Licensee to keep up to date the contact information of the Facility employee.

M. Operating Plans. As a condition of processing of a business license application, a Facility operator shall provide at the time of filing the business license application a detailed operations plan and, upon issuance of a license, shall operate the Facility in accordance with the plan. Such plan shall include:

1. Floor Plan. A plan showing the layout of the Facility and the principal uses of the floor area depicted. A Medical Marijuana Dispensary Facility shall have a lobby waiting area at the entrance to the center to receive clients, and a separate and secure designated area for dispensing medical marijuana to qualified patients or designated primary caregivers. The primary entrance of any stand-alone facility shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways. All storage areas shall be shown and labeled.
2. Odor Controls. A Facility shall provide a plan for the mitigation and control of odors and other environmental impacts which may emanate from a Facility. Such plan shall describe the ventilation system for the premises. Appropriate ventilation systems to prevent any odor of marijuana or fumes from leaving the premises of a Facility or other changes to a Facility may be required to abate a public nuisance.

N. Signage.

1. A sign for a medical marijuana cultivation facility, medical marijuana dispensary facility, medical marijuana-infused products manufacturing facility, or medical marijuana testing facility shall comply with the requirements of Chapter 425 of this Code, or any ordinance enacted hereafter regulating signs.
 2. A sign for a medical marijuana cultivation facility, medical marijuana dispensary facility, medical marijuana-infused products manufacturing facility, or medical marijuana testing facility shall be located on the same premises as the facility.
- O. Each Facility shall at all times possess a current City business license. By obtaining a City business license, the Facility Licensee irrevocably consents to the immediate closure and cessation of operation of the Facility in addition to all other penalties or remedies available by law for the failure to possess a current City business license.
- P. It shall be unlawful for any person to distribute, transmit, give, dispense or otherwise provide medical marijuana as a home occupation.
- Q. No medical marijuana cultivation facility, medical marijuana dispensary facility, medical marijuana-infused products manufacturing facility, or medical marijuana testing facility shall be operated within the City without a valid license issued by the Missouri Department of Health and Senior Services. No marijuana or marijuana-infused products shall be acquired, certified, cultivated, delivered, manufactured, processed, sold, stored, tested, or transported within the City, except by persons or entities licensed for such purposes by the Missouri Department of Health and Senior Services.
- R. Application Review Process:
1. Site review permit. This preliminary permit reviews the proposed marijuana related use for compliance with the City's zoning and location standards prior to issuance of State license. A draft of proposed security and floor plans should also be provided. Site review approval shall expire, and be of no effect, one (1) year after the date of issuance thereof. Site review and approval shall be conducted administratively.
 2. Business license. Once State licensing has been received, the business license shall include all relevant State approvals and approved operating plans and security plans.

Section 8. Section 400.235 of Article XII: Off-Street Automobile Parking Space Requirements of Title IV of the Municipal Code is hereby amended to read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect).

Table 1 400.480 Off-street parking space requirements:

Use	Number of Parking Spaces
Commercial	
Medical Marijuana dispensary facility	One (1) space per 400 square feet of retail plus one (1) space per 400

Industrial Uses

Medical marijuana cultivation facility

square feet of office

One (1) space per 3,000 square feet of grow and process area plus one (1) space per 400 square feet of office

Section 9. This Ordinance shall be in full force and effect upon its passage by the Board of Aldermen and approval by the Mayor.

PASSED this _____ day of _____, 2019. _____
Steve Myers, MAYOR

APPROVED this _____ day of _____, 2019. _____
Steve Myers, MAYOR

ATTEST:

City Clerk

MEMORANDUM

Steve Roth
City Administrator

636-271-0500 ext. 213
sroth@pacificmissouri.com

May 10, 2019

TO: Planning and Zoning Commission
RE: Public Hearing, Medical Marijuana regulations

Dear Planning and Zoning Commission members,

Please note the following with respect to the draft Medical Marijuana regulations scheduled for public hearing at the 5-14-19 Commission meeting.

Background

Missouri voters in November, 2018 approved Missouri Constitutional Amendment 2, effectively legalizing cultivation and use of marijuana for medical purposes in the State of Missouri. Voters in the City of Pacific were in favor of the amendment by near 70-percent margins. The amendment provides that cities may regulate the "time, manner and place" of such facilities in their jurisdiction, but that such regulations should not be "unduly burdensome." The amendment further provides that facilities may be located a minimum of 1,000 feet from the nearest church, school or daycare, though cities may reduce that requirement.

The Missouri Department of Health and Senior Services is drafting regulations for the licensing of such facilities. Regulations are to be complete this summer, with the Department to begin taking facility applications August 3. The Department expects to begin issuing licenses before the end of the year. The applicant will be required to include information on the City's zoning regulations as part of its application. The Department is maintaining a website on this topic:

<https://health.mo.gov/safety/medical-marijuana/>

The City has received several inquiries from prospective cultivation and dispensary operators. Most of these inquiries have related to cultivation operations, though two operators have discussed both cultivation and dispensaries.

The provisions of Municipal Code relating to text amendments require a public hearing both before the Commission and Board of Aldermen. The public hearing before the Commission of course has been scheduled for May 14, with the hearing before the Board of Aldermen scheduled for May 21.

Draft regulations

The regulations were drafted by the City Attorney, Robert E. Jones, and his law firm, Curtis Heinz Garrett O'Keefe, with input from City staff. The main features are summarized below:

- **Cultivation, processing and testing facilities:** Permitted use in M-2 districts, Conditional Use in M-1 districts. Conditional Use in NU districts. All are subject to conditions as set in Section 7 of the draft regulation.

- **Dispensaries.** Permitted use in C-1 and C-2 districts, subject to conditions as set in Section 7 of the draft regulation.
- **Distance requirement.** No medical marijuana facility may be located within 100 feet of a church, school or daycare. No medical marijuana facility may be located within 1,500 of another MM facility, with certain exceptions.
- **Facility limit.** No more than three facilities to be permitted in the City.

I will review the conditions as set out in Section 7 of the draft regulations in more detail as part of my staff report at the hearing. I will also review the distinction between the permitted and conditional use requirements in the various zoning districts, and the rationale behind each.

Distance requirements

As discussed previously, the City can require MM facilities to be located no closer than 1,000 feet from the nearest church, school or daycare. The City can also reduce this requirement. I had intended to provide a map showing the effect of various distances, though this became a more complicated project than anticipated. I will provide more information on this point at the meeting if desired.

In general terms, a 1,000-ft distance requirement would essentially limit dispensaries to the east part of the City. A 500-ft distance requirement would open up much of the Osage Street corridor, but would preclude facilities in much of the downtown area. A 300-ft distance requirement would allow for a few more properties along Osage Street, and would also allow for facilities along most of St. Louis Street and the central downtown.

Staff ultimately has recommended the 100-ft distance requirement, given that this is the same requirement imposed on alcohol operations. Much of the legal opinion we have heard on this topic suggests that cities should treat medical marijuana uses similar to pharmacy uses, and / or similar to liquor establishments. There is no distance requirement for pharmacies in our zoning code, and the 100-ft requirement of course applies to liquor establishments.

My recommendation on this point would be to await the results of the public hearing before making a final recommendation. If the community expresses concern over these types of uses, the Commission may want to consider a greater distance requirement. Alternately if there appears to be support or “neutrality” on the topic, then the 100-ft requirement likely would be the better fit.

Finally, the draft regulations also include a requirement that no MM facility be located closer than 1,500 feet to another MM facility, subject to certain restrictions. This gives the City the ability to limit the placement of such facilities. The City Attorney recommended this language, as a protection in part against a proliferation of such uses. The draft regulations also include a limit of three (3) on the total number of MM facilities to be permitted in the City, which has a similar intent. I would defer to further Commission review and discussion on these points.

Summary

When we began researching this topic, staff frankly expected to find a bit more “controversy” over how cities would handle this issue. However it appears the general consensus is to simply treat these uses similar to either industrial uses (cultivation) or pharmacy / retail uses (dispensaries) and allow for such

uses subject to certain conditions. We feel the regulations as proposed meet the requirements of Amendment 2, while at the same time safeguarding the public health and welfare via the reasonable requirements and conditions / restrictions imposed.

As with any issue, we would advise hearing public comment before making any final determinations, and we would also want the regulations to have a thorough review and hearing by the Commission before the Commission makes a recommendation to the Board of Aldermen.

As always, if you have questions or need further information please contact me.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Steve Roth".

Steve Roth
City Administrator

NOTICE OF PUBLIC HEARING
CITY OF PACIFIC
PLANNING & ZONING COMMISSION

NOTICE IS HEREBY GIVEN that the Planning & Zoning Commission of the City of Pacific will hold a Public Hearing on Tuesday, May 14, 2019 at 7:00 PM at Pacific City Hall 300 Hoven Drive, Pacific, MO 63069.

Said Hearings will be as follows:

P.Z. 2019-07, 422 E. Osage Street, Gallagher Mechanical, applicant. A request for a Conditional Use Permit to convert a residential structure to commercial use at this location.

PROPERTY DESCRIPTION

ADDRESS: 422 E. Osage Street

ST LOUIS COUNTY PARCEL ID: 30Z310367

CURRENT ZONING: C-1 Downtown Commercial

P.Z. 2019-08, 227-229 E Central Street, Gallagher Mechanical, applicant. A request for a Conditional Use Permit to conduct outside equipment storage at this location.

PROPERTY DESCRIPTION

ADDRESS: 227-229 E. Central Street

FRANKLIN COUNTY PARCEL ID: 19-1-12.0-4-004-109.000

CURRENT ZONING: M-1 Light Industrial

Anyone interested in the proceedings will be given an opportunity to be heard. Copies of the request are available for review at Pacific City Hall, 300 Hoven Drive during weekdays between the hours of 8:00 a.m. and 5:00 PM. A copy of the application is also available online at www.pacificmissouri.com. If you should need additional information about this project, please contact Steve Roth, City Administrator, by telephone at 636-271-0500 ext 213 or by email at sroth@pacificmissouri.com

Receipt #:
Tax ID#

City of Pacific
Application for Conditional Use Permit


Date of Application	4/26/19
Address for Which Conditional Use Permit is Being Sought:	227-229 E Central, Pacific
Applicant Name	Gallagher Mechanical
Mailing Address	1047 E Osage
Contact Phone	636-257-4328
Email address	mike.gallagher.2004@sbcglobal.net
Website (if applicable)	
Applicant interest in the property	
Name of Legal Owner	Gallagher Properties
Mailing Address	1047 E Osage
Contact Phone	636-257-4328
Email address	mike.gallagher.2004@sbcglobal.net
Website (if applicable)	
Current Property Use	old abandoned trailers
Proposed Property Use	outdoor storage; parking lot (fenced)
The following factors justify this Conditional Use Permit request: (Attach additional information if necessary)	

The application will not be complete unless it is accompanied by the following items:

1. Required filing fee of \$350. Paid? Yes No
2. All required applicant signatures, including signature of current property owner
3. Sketch Plan of the proposed building, site development and layout, and other items as requested by the City
4. Certified mail notice to all property owners within 185 feet of the subject property. City will prepare the mailing for applicant; applicant to mail letters at applicant expense.

Applicant signature(s)

The undersigned hereby attests that all information in this application is complete and accurate, and further that this application becomes an open public record upon filing with the City of Pacific.



Property Owner signature(s)

The undersigned hereby attests that all information in this application is complete and accurate, and further that this application becomes an open public record upon filing with the City of Pacific.



Zoning officer certification

Current zoning district:

Applicable Municipal Code Provision(s):

Notes:

The undersigned Zoning Officer hereby certifies that the application is substantially complete and a Public Hearing has been set for _____ (date) before the City of Pacific Planning and Zoning Commission.

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PROPERTY DESCRIPTION

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ST LOUIS COUNTY PARCEL ID: 30Z310367
CURRENT ZONING: C-1 Downtown Commercial

P.Z. 2019-08, 227-229 E Central Street, Gallagher Mechanical, applicant. A request for a Conditional Use Permit to conduct outside equipment storage at this location.

PROPERTY DESCRIPTION

ADDRESS: 227-229 E. Central Street
FRANKLIN COUNTY PARCEL ID: 19-1-12.0-4-004-109.000
CURRENT ZONING: M-1 Light Industrial

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Receipt #:
Tax ID#

City of Pacific
Application for Conditional Use Permit

Date of Application	4/26/19
Address for Which Conditional Use Permit is Being Sought:	422 E. Osage, Pacific, MO 63069
Applicant Name	Gallagher Mechanical
Mailing Address	1047 E. Osage Pacific, MO
Contact Phone	636-257-4328
Email address	mike.gallagher2004@sbcglobal.net
Website (if applicable)	
Applicant interest in the property	To move offices
Name of Legal Owner	Big Boy Properties
Mailing Address	1047 East Osage
Contact Phone	314-574-3302
Email address	
Website (if applicable)	
Current Property Use	Residential Home
Proposed Property Use	Office for Gallagher Mechanical
The following factors justify this Conditional Use Permit request: (Attach additional information if necessary)	

The application will not be complete unless it is accompanied by the following items:

1. Required filing fee of \$350. Paid? Yes No
2. All required applicant signatures, including signature of current property owner
3. Sketch Plan of the proposed building, site development and layout, and other items as requested by the City
4. Certified mail notice to all property owners within 185 feet of the subject property. City will prepare the mailing for applicant; applicant to mail letters at applicant expense.


Applicant signature(s)

The undersigned hereby attests that all information in this application is complete and accurate, and further that this application becomes an open public record upon filing with the City of Pacific.



Property Owner signature(s)

The undersigned hereby attests that all information in this application is complete and accurate, and further that this application becomes an open public record upon filing with the City of Pacific.



Zoning officer certification

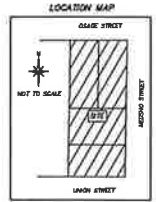
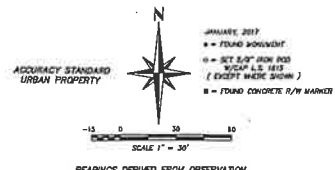
Current zoning district:

Applicable Municipal Code Provision(s):

Notes:

The undersigned Zoning Officer hereby certifies that the application is substantially complete and a Public Hearing has been set for _____ (date) before the City of Pacific Planning and Zoning Commission.

'BB' Acres
 PART OF THE NW 1/4 OF SECTION 7
 T 43 N, R 3 E IN THE CITY OF PACIFIC
 ST. LOUIS COUNTY, MISSOURI

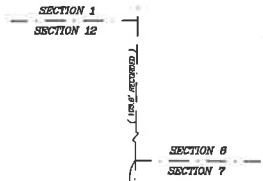


BEARINGS DERIVED FROM OBSERVATION
 ON SUN ON AUGUST 10, 1989
 REFERENCE DEED BOOK 1305, PAGE 1148
 OF THE FRANKLIN COUNTY RECORDS

REFERENCE A TITLE POLICY FROM FIRST AMERICAN TITLE
 INSURANCE COMPANY THROUGH U.S. TITLE GUARANTY COMPANY
 7930 CLAYTON ROAD, SUITE 200
 ST. LOUIS, MO. 63117
 FILE NO. 16-06103 (DC1166)
 EFFECTIVE DATE: APRIL 18, 2016

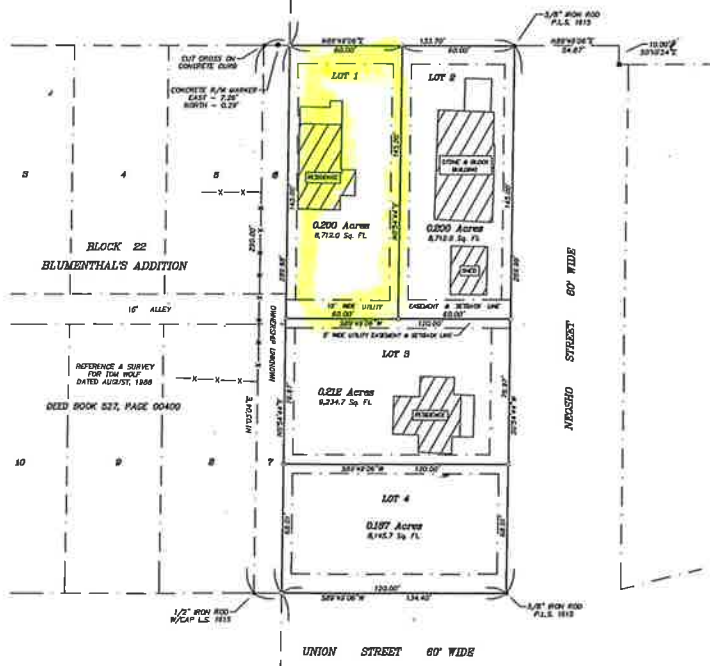
SPECIAL NOTES
 ALL SETBACK LINES ARE RESIDENTIAL
 (EXCEPT AS SHOWN)

ZONING DISTRICT
 "C-1" DOWNTOWN COMMERCIAL DISTRICT
YARD/SETBACKS
 FRONT: RESIDENTIAL STRUCTURE: TEN (10) FEET
 COMMERCIAL STRUCTURE: ZERO (0) FEET
 SIDE: RESIDENTIAL STRUCTURE: FIVE (5) FEET
 COMMERCIAL STRUCTURE: ZERO (0) FEET
 REAR: RESIDENTIAL STRUCTURE: FIVE (5) FEET
 COMMERCIAL STRUCTURE: ZERO (0) FEET
MAXIMUM HEIGHT:
 NO MORE THAN THREE (3) STOREYS; UP TO A MAXIMUM
 HEIGHT OF 37'7" (30') FEET TO BE MEASURED FROM THE
 FRONT DOOR THRESHOLD



RANGE 3 EAST
 FRANKLIN COUNTY
 ST. LOUIS COUNTY
 RANGE 3 EAST

OSAGE STREET 60' WIDE
 (OLD ROUTE "BB")



BLOCK 22
 BLEUMENTHAL'S ADDITION

REFERENCE A SURVEY
 FOR TOWNSHIP
 DATED AUGUST, 1868
 DEED BOOK 527, PAGE 00400

RANGE 3 EAST
 FRANKLIN COUNTY
 ST. LOUIS COUNTY
 RANGE 3 EAST

U.S. SURVEY
 3004
 1" IRON BAR (3" DEEP)
 FRANKLIN COUNTY SURVEYOR'S
 RECORD & PAGE 158

Surveyor Note:

The Professional Land Surveyor has made no investigation or search for encumbrances, restrictive covenants, easements, liens or any facts that on accurate and current title search may disclose. There may be documents recorded or unrecorded that may affect this surveyed tract.

The recorded deed information was obtained from the Franklin County Office and the St. Louis County Assessor's office and are assumed to be correct. The Professional Land Surveyor makes no guarantee as to the accuracy of the deeds or the current ownership, as shown.

SURVEYOR'S CERTIFICATE

I, Michael Roy Burke, hereby certify to all: Mike Gallagher and John F. Fralton, that this survey was performed by me in January of 2017, and said survey is in accordance with the standards for property boundary surveys adopted by the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects.



Michael Roy Burke, R.L.S. 1615

OWNER'S CERTIFICATE

The Undersigned, being the owners of the tract of land shown and plotted herein, have caused the same to be surveyed and subdivided in the manner shown herein, and what hereon is known as

'BB' Acres

The front, side, and rear setbacks shall be determined as to be determined as to the line a building permit is issued. The 10' front side utility easement along the South line of Lots 1 and 2 and the 5' front side utility easement along the North line of Lot 3 are hereby dedicated to the City of Pacific for public use.

IN WITNESS WHEREOF, we hereunto set our hands this _____ day of _____, 2017.

BO BOY PROPERTIES, LLC
 John F. Fralton, Member

State of Missouri)
 County of Franklin)

On this _____ day of _____, 2017, before me,
 a Notary Public in and for said state, personally appeared John F. Fralton, Member of BO Boy Properties, LLC, known to me to be the person who executed the foregoing instrument, and acknowledged to me that he executed the same for the purposes therein stated.

IN WITNESS WHEREOF, I hereunto set my hand and seal this day and year next above written.
 My Commission Expires _____
 Notary Public

I, Kim Burkoff, City Clerk for and within the City of Pacific, do hereby certify that this plat of "BB" Acres, was approved by the Board of Aldermen of Pacific, Missouri, by Ordinance No. _____, passed and approved the _____ day of _____, 2017.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Pacific, Missouri, this _____ day of _____, 2017.

Kim Burkoff, City Clerk - City of Pacific, Missouri

DESCRIPTION

A parcel of land being part of the Northwest 1/4 of Section 7, Township 43 North, Range 3 East in the City of Pacific, St. Louis County, Missouri, and being more fully described as follows:

Commencing at a 1" iron bar at the intersection of the West line of Section 7 with the Southwest line of U.S. Survey 3004, same being on the Franklin - St. Louis County line, thence with the county line, North 054°44' East 1,655.82 feet to a point on the North right of way line of Union Street, and the POINT OF BEGINNING of the parcel of land herein described, thence North 054°44' East 288.88 feet to a point on the South right of way line of Osage Street, thence leaving the county line with said South line North 89°46'06" East 120.00 feet to a 3/8" iron rod with a cap stamped P.L.S. 1615 on the West right of way line of Madras Street, thence leaving Osage Street with said West line, South 054°44' West 288.88 feet to a 3/8" iron rod with a cap stamped P.L.S. 1615 on the North right of way line of Union Street, thence with said North line, South 89°46'06" West 120.00 feet to the POINT OF BEGINNING.

FILE NO. 5302016GALLAGHER

BURKE AND ASSOCIATES, INC.
 LAND SURVEYORS
 1674 HIGHWAY A - SUITE 104
 WASHINGTON, MISSOURI 65080
 636-259-0172



Planning & Zoning Commission Department of Planning Staff Report

Meeting Date: May 14, 2019

Project Type: Conditional Use Permit

From: Steve Roth
City Administrator

Applicant: Gallagher Mechanical

Description: P.Z. 2019-07, 422 E. Osage Street, Gallagher Mechanical, applicant. A request for a Conditional Use Permit to convert a residential structure to commercial use at this location.

PROPERTY DESCRIPTION

ADDRESS: 422 E. Osage Street

ST LOUIS COUNTY PARCEL ID: 30Z310367

CURRENT ZONING: C-1 Downtown Commercial

Summary

The applicant has submitted a request for a Conditional Use Permit (CUP), for the purpose of obtaining the zoning entitlement to convert a residential structure into an office use. This is governed by Municipal Code Section 400.210.B, as follows:

Residential structures located in the "C-1" and "C-2" zoning districts may be converted to commercial use, subject to the conditional use permit process and subject to the following additional regulations:

1. No alterations shall be made to the building exterior except for those required to bring the building into compliance with the accessibility standards;
2. Off-street parking shall be restricted to the rear of the building;
3. Only one (1) accessory structure shall be permitted on the property and shall be used for storage purposes only;
4. No exterior storage, placement of materials or display of goods shall be permitted; and
5. Signage shall comply with the Sign Code, Chapter 425 of this Title.

As provided by Code, a residential conversion thus is subject to provisions of 410-210.B as well as the CUP provisions, found in Section 405.040.B. The Commission is required to act on this request by providing a recommendation of approval, approval with conditions, or denial to the Mayor and Board of Aldermen.

Subject Site

The subject site is located at 422 E. Osage, on the south side of the roadway, west of Neosho St. The property is improved with a two-story residential structure, which to my understanding has not been occupied for several years. The property is rectangular in shape. There is a curb cut on Osage but no developed driveway or parking area. The lot is approximately 8,712 sf, or .20 acres.

Land Use and Zoning of Surrounding Properties

Direction	Zoning	Land Use
North	C-1 Downtown Commercial	Commercial
South	C-1 Downtown Commercial	Residential
East	C-1 Downtown Commercial	Commercial
West	C-1 Downtown Commercial	Commercial

Analysis

Section 405.040.B. provides the standards for which this application is to be reviewed.

- a. Complies with all applicable provisions of this Title.

The site does not provide any developed parking area. **This standard has not been met.**

- b. At the specific location will contribute to and promote the community welfare or convenience.

Staff has questioned this standard in past discussions. Use of this structure as an office building appears to be meet this standard. **This standard has been met.**

- c. Will not cause injury to the value of neighboring property and will not create a nuisance.

The structure currently is in poor condition and in need of repair and renovation. The office use proposed here would improve a structure and property that has been vacant and underutilized for some period of time. **The standard has been met.**

- d. Is consistent with the Comprehensive Plan and existing zoning district provisions.

Residential conversions are common along Osage. In our judgment commercial use of this property represents its highest and best use. **The standard has been met.**

- e. Will provide, if applicable, off-street parking and loading areas in accordance with the standards contained in this Title.

We do not have detailed information from the applicant on the plan for off-street parking. We would recommend a minimum of three parking spaces, based on the parking code

requirements in 400.235. Strong consideration should be given to additional parking spaces.
The standard to be verified.

- f. Will provide, if applicable, erosion control and on-site storm water detention in accordance with the standards contained in this Title.

The site is improved with an existing structure. **Standard has been met.**

- g. Will not substantially increase traffic congestion and noise.

The traffic and noise impact of the use proposed here would be negligible. **The standard has been met.**

Recommendation

Residential conversions have been common along Osage Street and staff believes they should generally be encouraged. Parking is the primary issue, and we need to have more understanding on the applicant's plan before making a final determination here. The residential conversion code section includes a provision that parking be limited to the rear of the property. This is likely not feasible or even ideal in this location. There are many examples of residential conversions with parking on the side or even in the front yard of certain properties. We would certainly not recommend the front yard (in front of the porch) be used for parking, but the driveway area and side yard adjacent to the walkway leading to / from the front porch should be acceptable.

In all other respects the use appears to be in harmony with surrounding uses, and the provisions of the Zoning Code.

Staff recommends **APPROVAL**, contingent upon a detailed plan for provision of off-street parking.

Attachments: Application



Planning & Zoning Commission Department of Planning Staff Report

Meeting Date: May 14, 2019

Project Type: Conditional Use Permit

From: Steve Roth
City Administrator

Applicant: Gallagher Mechanical

Description: **P.Z. 2019-08, 227-229 E Central Street, Gallagher Mechanical, applicant.**
A request for a Conditional Use Permit to conduct outside equipment storage at this location.

PROPERTY DESCRIPTION

ADDRESS: 227-229 E. Central Street

FRANKLIN COUNTY PARCEL ID: 19-1-12.0-4-004-109.000

CURRENT ZONING: M-1 Light Industrial

Summary

The applicant has submitted a request for a Conditional Use Permit (CUP), for the purpose of obtaining the zoning entitlement to conduct outside storage at this location. The site is currently occupied by several mobile homes (trailers) which are currently vacant and have not been occupied for several years. The site also includes a vacant residential structure. It is my understanding that the applicant intends to remove the trailers and use this section of the property for storage of vehicles and equipment associated with the applicant's business. This area of outside storage is proposed to be fenced. The vacant residential structure meanwhile is proposed to be renovated / remodeled for residential use.

The property is zoned M-1 Light Industrial. A "storage warehouse" and "wholesale product storage" are both permitted uses in M-1 zones. This however is presumed to be enclosed storage uses. "Equipment rental businesses that require outside storage" are permitted, subject to a CUP. This is the best match for the applicant's proposed use in the M-1 zoning, and thus the CUP requirement here.

The standards for review of Conditional Use Permits are found in Section 405.040.B. The Commission is required to act on this request by providing a recommendation of approval, approval with conditions, or denial to the Mayor and Board of Aldermen.

Subject Site

The subject site is located at 227-229 E. Central, on the northwest corner of Central and Olive Streets. The property is bounded by Frisco Street to the north. As noted previously the site includes several vacant mobile homes, along with a vacant residential structure. The lot is approximately 17,040 sf, or .39 acres.

Land Use and Zoning of Surrounding Properties

Direction	Zoning	Land Use
North	M-1 Light Industrial	Light Industrial
South	M-1 Light Industrial	Vacant
East	M-1 Light Industrial	Vacant / Residential
West	M-1 Light Industrial	Light Industrial

Analysis

Section 405.040.B. provides the standards for which this application is to be reviewed.

- a. Complies with all applicable provisions of this Title.

The outside storage use proposed here is not specifically referenced in the Zoning District regulations. There are examples of it in various locations in the M-1 and C-1 downtown districts, including to the immediate north of the subject site. It is a matter of some interpretation how the use proposed here fits with the requirements of the Zoning Code. **This standard to be verified.**

- b. At the specific location will contribute to and promote the community welfare or convenience.

Staff has questioned this standard in past discussions. The use proposed here would not appear to be in conflict with this standard. **This standard has been met.**

- c. Will not cause injury to the value of neighboring property and will not create a nuisance.

The use proposed here is in harmony with the nearby light industrial uses. However the use appears to conflict to some degree with the nearby residential uses. The intent of the M-1 zoning for the floodplain area appears to be to provide for mixed uses. It is a matter of interpretation then how to evaluate this use compared to other existing uses, and potential future uses. In staff's judgment the proposed use given its close proximity to other similar uses would not have a deleterious effect on the surrounding district, and will not create a nuisance. **The standard has been met.**

- d. Is consistent with the Comprehensive Plan and existing zoning district provisions.

Once again this standard is difficult to judge, given the “competing” uses allowed in the downtown M-1 zones. If the intent of the M-1 district is to provide for mixed uses, then the standard appears to have been met. **The standard has been met.**

- e. Will provide, if applicable, off-street parking and loading areas in accordance with the standards contained in this Title.

Outside storage areas may be gravel surfaced, provided they are behind the front building line (Section 400.235.A.5.a.2). There are instances of gravel surfacing of outside storage areas throughout the M-1 district. **The standard to be verified.**

- f. Will provide, if applicable, erosion control and on-site storm water detention in accordance with the standards contained in this Title.

The site improvements here would not appear to trigger these requirements. **Standard has been met.**

- g. Will not substantially increase traffic congestion and noise.

The traffic and noise impact of the use proposed here would appear to be negligible. **The standard has been met.**

Recommendation

The outside storage use proposed here certainly appears to take a blighted property and convert it to a higher and better use. The removal of the vacant mobile homes on the property would be an improvement, and a fenced outside storage area appears to be in harmony with many nearby existing uses in this district. At the same time the effect upon nearby residential areas needs to be considered.

Staff has struggled with interpreting the M-1 zoning district “overlay” in the floodplain area. Clearly certain uses are permitted by the M-1 regulations, but allowing these uses next to existing residential uses does appear to invite conflicts, or at least the potential for conflicts. At the same time prohibiting or tightly regulating such M-1 uses also appears to be contradictory, given the proliferation of such uses in the floodplain and nearby commercial and light industrial districts.

The Commission likely will recall the blanket mixed-use recommendation for the downtown and floodplain areas that was included in the Comprehensive Plan. We have not moved toward this type of zoning yet, though in staff’s judgment it should be a clear goal going forward.

With respect to the specific use proposed here, an office / warehouse structure in staff’s judgment would be the highest and best use of this parcel. However, given the floodplain requirements, such a structure would need to be elevated to a point that it appears such construction would be cost-prohibitive. Residential construction then on this parcel would face a similar construction cost obstacle, and the site proximity near existing light industrial further would detract from its potential for residential use.

The outside storage use proposed here then does appear to be a reasonable floodplain use, which again is in harmony with nearby existing uses. While not ideal it does appear again to be a use which

is compatible not only with the existing district, but with the intent of the zoning district regulations in general. Staff would recommend a thorough discussion of the applicant's intent, and the various site development features, before making a final recommendation.

Staff recommends **APPROVAL** of the use (outside storage), subject to site development conditions as recommended by the Commission.

Attachments: Application