

**MINUTES  
PLANNING AND ZONING COMMISSION  
CITY OF TOWN AND COUNTRY  
JUNE 19, 2019**

**OPEN STAFF REVIEW**

Commission members and City staff held an open staff review meeting at 6:30 P.M.

Present at the meeting were Chairman Cima, Alderman Frautschi, Commissioners Bolazina, Kuchan, McKnight, Mueller, Omell and Wirth. Mayor Dalton and Commissioner Chapman were absent.

Ryan Spencer, Planner, was present.

City Attorney Steve Garrett was present to represent the City.

The Commission discussed the agenda items. No votes were taken.

**REGULAR MEETING**

The regular meeting of the Planning & Zoning Commission of the City of Town and Country was held at 7:00 P.M. on Wednesday, June 19, 2019, at the Municipal Center, 1011 Municipal Center Drive.

**PLEDGE OF ALLEGIANCE**

Commissioner Wirth led the Pledge of Allegiance.

**ROLL CALL**

The following members were present for the 7:05 P.M. roll call: Chairman Cima, Alderman Frautschi, Commissioners Bolazina, Kuchan, McKnight, Mueller, Omell and Wirth. Mayor Dalton and Commissioner Chapman were absent.

Ryan Spencer, Planner, was present.

City Attorney Steve Garrett was present to represent the City.

**MINUTES – 05/22/19**

Dr. Omell moved to approve the minutes, seconded by Ms. Mueller.

Chairman Cima called for corrections or amendments.

Hearing none the minutes of 05/22/19 were unanimously approved by voice vote.

**NEW BUSINESS**

1. **Record Plat** – A request has been submitted by Fischer & Fritchel Custom Homes/Simon Homes (Joint Venture), owners, for approval of a Record Plat for a nine lot subdivision located at 13428 Conway Road, in the Suburban Estate (SE) Zoning District

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George Stock, Stock and Associates, was present on behalf of the request.

Mr. Stock described the request as the final step in the creation of the Stonechase Subdivision. He explained the Preliminary Plat and Improvement Plans have already received approval through the Planning and Zoning Commission. He added that the record plat creates the lots and easements for the subdivision.

In response to Mr. McKnight, Mr. Stock explained there will be a berm and vegetated swale along Conway Road that will discharge onto the Maryville property to the west for stormwater control.

Chairman Cima called for public comment.

Hearing none, Dr. Omell moved to recommend approval of the Record Plat, Alderman Frautschi seconded the motion.

The roll call vote was: AYE, Chairman Cima, Alderman Frautschi, Commissioners Bolazina, Kuchan, McKnight, Mueller, Omell and Wirth; NAY, none; ABSTAIN, none; ABSENT, Mayor Dalton and Commissioner Chapman.

The motion to recommend approval of the Stonechase Record Plat carried unanimously.

- 2. Zoning Text Amendment** – Amendments to regulations pertaining to natural resources; Section 405.080 (Definitions), Section 405.140 (Permit Required for Removal of Trees), Section 405.335 (Natural Resource Protection Standards), Section 405.336 (Residential Tree Protection and Removal Standards), Section 405.395 (Landscaping Standards on Lot), Section 405.500 (Landscaping Standards on Lot)

Matt Reuter, Ward 3 Alderman, and Ryan Spencer, Planner, were present on behalf of the request.

Mr. Reuter stated the Board of Aldermen formed a Natural Resource Preservation Subcommittee comprised of four aldermen to review and revise zoning ordinances related to preserving trees and woodland areas for new developments as well as in-fill houses. He added that the subcommittee consulted with outside experts and staff to provide assistance while developing the proposed regulations.

Mr. Spencer summarized and compared the proposed amendments that include expanding and adding definitions, requiring a tree protection plan for new residential construction, stronger methods for tree preservation along with clear delineation of such areas, and adding a minimum landscaping requirement for new residential construction dependent on lot size.

Extensive discussion and deliberation was held regarding each of the proposed amendments and the impact on residents and development.

Chairman Cima called for public comment.

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Fred Meyland-Smith, 1032 Woodfield Estates Drive, stated the minimum landscaping requirements would apply to newly created residential lots as well as in-fill housing. He also commended the proposed amendments as it will allow for greater detail to be reviewed and considered for new developments.

Rusty Saunders, 750 Spirit 40 Park Drive, Chesterfield, interpreted comments from the Commission related to woodlands and preserved open space.

The Commission made inquiries of staff for further information and clarification on a number of the proposed regulations.

In response to the Commission, Lindsey Butler, 13310 Kings Glen Drive, commented that the specified fee requirement for failure to preserve trees of a certain caliper is comparable to surrounding cities.

Mr. McKnight moved to continue the Zoning Text Amendment to the meeting of Wednesday, July 17, 2019. Dr. Omell seconded the motion.

The roll call vote on the motion was as follows: AYE, Chairman Cima, Alderman Frautschi, Commissioners Bolazina, Kuchan, McKnight, Mueller, Omell and Wirth; NAY, none; ABSTAIN, none; ABSENT, Mayor Dalton and Commissioner Chapman.

The motion to continue carried unanimously.

- 3. Zoning Code Amendment** – Amendments to regulations pertaining to medical marijuana uses; Section 405.080 (Definitions), Section 405.227 (Marijuana Related Uses), Section 405.560 (Office/Campus Office – Conditional Uses), Section 405.630 (Commercial – Conditional Uses), Section 405.865 (Hospital – Conditional Uses), Section 405.951 (Planned Office Park – Conditional Uses), and Section 405.1330 (Planned Medical Office – Conditional Use)

Ryan Spencer, Planner, was present on behalf of the request.

Mr. Spencer described the amendments as four different use types related to medical marijuana facilities and associated definitions. He explained the proposal is in response to the State vote approving medical marijuana and it is necessary for the City to adopt new ordinances in order to enforce any restrictions allowed by State law. He added the proposal requires each facility to be approved through a Conditional Use Permit and only within the specified zoning districts.

Discussion was held regarding the proposed buffer zone, waste disposal and the regulations pertaining to use of products on site.

Chairman Cima called for public comment. Hearing none, Mr. Wirth moved to recommend approval of the Zoning Text Amendment to the Board of Aldermen. Mr. McKnight seconded the motion.

Alderman Frautschi moved to amend Section 405.227.B.1 as follows:  
(New language **bolded** and underlined) (Deleted language shows as strikethrough)

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1. Location Restrictions. No Medical Marijuana Related Uses shall be operated or maintained within ~~three hundred (300)~~ **one thousand (1,000)** feet of the property...

Mr. McKnight seconded the motion. The motion carried 6-2, by voice vote, with Commissioners Mueller and Omell voting nay.

Mr. Bolazina moved to amend Section 405.227.B.6 as follows:

6. Waste Disposal. Any excess or unstable medical marijuana or medical marijuana byproduct of Medical Marijuana Related Use shall be stored securely before final disposition, ~~which may be done within the facility in areas designed for disposal activities or, if necessary, outside the facility in a locked, tamper resistant receptacle.~~

Mr. Kuchan seconded the motion.

The roll call vote on the motion was: AYE, Alderman Frautschi, Commissioners Bolazina, Kuchan and Wirth; NAY, Chairman Cima, Commissioners McKnight, Mueller and Omell; ABSTAIN, none; ABSENT, Mayor Dalton and Commissioner Chapman.

The motion failed, 4-4, for the lack of a majority.

The roll call vote on the motion to recommend approval, as amended, was: AYE, Chairman Cima, Alderman Frautschi, Commissioners Kuchan, McKnight, Omell and Wirth; NAY, Commissioners Bolazina and Mueller; ABSTAIN, none; ABSENT, Mayor Dalton and Commissioner Chapman.

The motion to recommend approval of the Zoning Text Amendment carried 6-2.

The Commission then made findings regarding the proposed zoning amendments.

Dr. Omell moved to recommend to the Board of Aldermen that:

1. There is a public need for the proposed use.
2. The proposed amendment and proposed use are in compliance with the Comprehensive Plan.
3. The property in question is suitable for the uses permitted under the proposed zoning.
4. There are adequate public facilities, such as sewer and water, and other required public services.
5. The public health, safety, and general welfare will not be damaged.
6. The land values of adjoining properties will not be damaged.
7. The adoption of a proposed amendment is in the public interest and is not solely for the interest of the applicant.

Mr. Wirth seconded the motion.

The roll call vote on the findings were: AYE, Chairman Cima, Alderman Frautschi, Commissioners Bolazina, Kuchan, McKnight, Mueller, Omell and Wirth; NAY, none; ABSTAIN, none; ABSENT, Mayor Dalton and Commissioner Chapman.

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The motion carried unanimously.

**OTHER BUSINESS**

At the request of Chairman Cima, Dr. Omell made a motion to suspend the agenda rules to take up a Special Resolution for former member Fred Meyland-Smith. Ms. Mueller seconded the motion and carried unanimously by voice vote.

**SPECIAL RESOLUTION**

After being read aloud the Commission, led by Chairman Cima, presented the Special Resolution to former member Fred Meyland-Smith and recognized him for his contributions and years of service to the Planning and Zoning Commission.

**REPORT FROM BOARD OF ALDERMEN ON ACTION BY THE BOARD**

Alderman Frautschi reported the following items had received approval from the Board of Aldermen:

- The Amended Final Site Development Plan for the Maryville University E-Sports building
- The Conditional Use Permit for the installation of a sport court at 1150 Highland Pointe Drive
- The Code Amendment for the Small Wireless Facilities

**ADJOURN**

On motion of Dr. Omell, seconded by Alderman Frautschi, the Commission unanimously voted to adjourn the meeting at 9:41 P.M.



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Dennis Bolazina, Secretary