



**PLANNING COMMISSION  
CITY HALL – COUNCIL CHAMBERS – 2101 JEFFCO BOULEVARD  
TUESDAY, SEPTEMBER 10, 2019**

**MEMBERS:** Andrew Sutton (Chair), Frank Kutilek (Second), Alan Bess (Secretary), Jeff Campbell, Justin Lurk, Christopher Ford, John Tucker, Del Williams, Phillip Hogan, Brian McArthur (Council Liaison). **STAFF:** Robert Sweeney (City Attorney), David Bookless (Community Development Director), Christie Hull-Bettale (Community Development Engineer), Sarah Turner (Community Development Planner).

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. APPROVAL OF AGENDA**
- 5. APPROVAL OF MINUTES: August 27, 2019**
- 6. PUBLIC COMMENT**
- 7. PUBLIC HEARING(S):**
  - a. **2019-33 RECORD PLAT FOR THE ENCLAVE AT STRAWBERRY RIDGE: A request to divide lots for the purposes of five (5) two-family and two (2) single-family homes.**
- 8. OLD BUSINESS: None**
- 9. NEW BUSINESS:**
  - b. **2019-33 RECORD PLAT FOR THE ENCLAVE AT STRAWBERRY RIDGE: A request to divide lots for the purposes of five (5) two-family and two (2) single-family homes.**
- 10. STAFF UPDATE**
- 11. COMMISSIONERS UPDATE**
- 12. COUNCIL LIAISON REPORT**
- 13. NEXT SCHEDULED MEETING: September 24, 2019**
- 14. ADJOURNMENT**

*The Public is welcome to comment on any item on this agenda following presentations by the Staff and petitioner. Comments concerning items not on the agenda should be made during the Public Comment section of the agenda, near the beginning of the meeting. When you address the Planning Commission, please step to the podium and state your name and address into the microphone. Unless otherwise directed by the Chairperson, individuals may speak for three minutes, while those representing a group may speak for six minutes.*



**PLANNING COMMISSION MEETING  
CITY HALL COUNCIL CHAMBERS  
AUGUST 27, 2019**

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**MINUTES**

The regular meeting of the Arnold Planning Commission was called to order by Chairman Andrew Sutton at 7:00 p.m. The Pledge of Allegiance was recited by those in attendance.

**ROLL CALL OF COMMISSIONERS:** Del Williams, John Tucker, Brian McArthur, Alan Bess (excused), Frank Kutilek, Jeff Campbell, Andrew Sutton, Chris Ford, Justin Lurk, David Bookless, Sarah Turner (excused), Christie Hull-Bettale (excused), and Bob Sweeney. 8 voting members present, 1 excused.

**REVIEW AND APPROVAL OF AGENDA:** Motion by Jeff Campbell to approve the agenda as presented. Second by Del Williams. Voice Vote – *Unanimously Approved*.

**APPROVAL OF MINUTES:** Motion by Brian McArthur to approve the minutes as presented from the August 13, 2019 meeting as presented. Second by Jeff Campbell. Voice Vote - *Unanimously Approved*.

**PUBLIC COMMENT:** None

**PUBLIC HEARINGS:**

- a. **2019-24 Site Plan Review:** David Bookless presented the City-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify definitions and regulations related to site plan review.

Andrew Sutton referred to Section 405.500.020. Site plan; when required, (C) and asked why this decision would be taken out of the purview of the Planning Commission.

David Bookless stated there are circumstances when there are either no significant changes to a site plan or none at all. Currently, the Ordinance provides for no exceptions thereby causing a hardship (unnecessary costs) for those making minor modifications to existing developments.

Bob Sweeney suggested that the Community Development Director subsequently inform the Planning Commission of the use of such waivers.

- b. **2019-32 Medical Marijuana Dispensary Facilities:** David Bookless presented the City-initiated request to amend Section 405.380, Use Standards, of the Zoning Ordinance to revise proximity regulations as they relate to the distance between medical marijuana dispensary facilities. This request is to eliminate the prohibition on the clustering of medical marijuana dispensaries by striking subparagraph 1 of the Use Standards for Medical Marijuana-Related Entities which currently reads:

“No medical marijuana dispensary facility may be located within one thousand (1,000) feet of another medical marijuana dispensary facility except when such other facility is a federally licensed pharmacy. The distance between any two (2) medical marijuana dispensary facilities shall be measured by the methodology established by the methodology established by the Missouri Department of Health and Senior Services Division of Regulation and Licensure.”

Frank Kutilek asked if we can limit the number of these dispensaries like we do pay day loan businesses.

David Bookless explained that in order to do that kind of limitation there has to be substantial evidence that demonstrates that there are secondary adverse impacts. There is no evidence of adverse impacts for these facilities. Rather, available data suggests these may not be any correlation.

E.J. Fleischmann, Ward 1 Councilman, commented that he is looking at this issue from a business perspective. Those seeking a license for a dispensary are entering into a real estate agreement for specific locations for these facilities as part of the application process that they have to submit to the Department of Health of Senior Services. These license seekers are not privy to where others intend to place their facilities which could result in two businesses ending up within 1000 feet of each other.

Further discussion on possible scenarios that could warrant litigation.

**OLD BUSINESS:** None

**NEW BUSINESS:**

- a. **2019-24 Site Plan Review:** Motion by Del Williams to approve 2019-24, a City-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify definitions and regulations related to site plan review with the amendment that Planning Commission is informed of any waivers by the Community Development Director. Second by Frank Kutilek. Second by Phil Hogan. Roll call vote: Chris Ford, yes; Justin Lurk, yes; Brian McArthur, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes; Phil Hogan, yes. 9 yeas, 0 nays – *Motion Approved.*
- b. **2019-32 Medical Marijuana Dispensary Facilities:** Motion by Del Williams to approve 2019-32, A City-initiated request to amend Section 405.380, Use Standards, of the Zoning Ordinance to revise proximity regulations as they relate to the distance between medical marijuana dispensary facilities. Second by Phil Hogan. Roll call vote: Chris Ford, yes; Justin Lurk, yes; Brian McArthur, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes; Phil Hogan, yes. 9 yeas, 0 nays – *Motion Approved.*

**STAFF UPDATE:** David Bookless – Permit for Cedarhurst has been issued. Explained where you can report a violation on the City website.

Bob Sweeney – The Plumbing Supply development will be on the September 5<sup>th</sup> City Council agenda for re-consideration.

**COMMISSIONERS UPDATE:**

Chris Ford - No report.

John Tucker – No report.

Jeff Campbell – No report.

Justin Lurk – Will be out of town for the September 10<sup>th</sup> meeting.

Del Williams – No report.

Frank Kutilek – Finally demolished the last house for the Cedarhurst Development; Furniture store on Jeffco is closed.

Phil Hogan – No report.

Andrew Sutton – No report.

**COUNCIL LIAISON REPORT:**

Brian McArthur – Will be out of town for the September 10<sup>th</sup> meeting. Commended David Bookless on updating the ordinances.

**NEXT SCHEDULED MEETING:** September 10, 2019

**ADJOURNMENT:** Meeting adjourned at 7:44 p.m.

Respectfully Submitted,

Jeff Campbell  
Acting Planning Commission Secretary

**PLANNING COMMISSION  
ROLL CALL SHEET**

<b>DATE:</b> 8/27/2019							
<b>CALLED TO ORDER:</b> 7:00 P.M.							
<b>ADJOURNMENT:</b> 7:44 P.M.							
	<b>ROLL CALL</b>	<b>2019-24 - APPROVED</b>	<b>2019-32 - APPROVED</b>				
<b>CHRIS FORD</b>	P	Y	Y				
<b>JUSTIN LURK</b>	P	Y	Y				
<b>BRIAN MCARTHUR</b>	P	Y	Y				
<b>ALAN BESS</b>	EXCUSED						
<b>JOHN TUCKER</b>	P	Y	Y				
<b>FRANK KUTILEK</b>	P	Y	Y				
<b>JEFF CAMPBELL</b>	P	Y	Y				
<b>DEL WILLIAMS</b>	P	Y	Y				
<b>ANDREW SUTTON</b>	P	Y	Y				
<b>PHIL HOGAN</b>	P	Y	Y				
<b>DAVID BOOKLESS</b>	P	<b>NO VOTE</b>					
<b>SARAH TURNER</b>	EXCUSED	<b>NO VOTE</b>					
<b>CHRISTIE HULL-BETTALE</b>	EXCUSED	<b>NO VOTE</b>					
<b>CITY ATTORNEY ROBERT SWEENEY</b>	P	<b>NO VOTE</b>					