



THE CITY OF  
**MANCHESTER**  
MISSOURI

## CITY OF MANCHESTER

### PLANNING AND ZONING COMMISSION MEETING MINUTES Monday, August 28, 2023. 6:30 p.m.

#### COMMISSIONERS

Jason Truesdell, Chairman (2026)  
Adam Streeter (2026)  
Joni Korte (2026)  
Paula Glaser (2024)

#### CITY OFFICIALS AND STAFF

Mike Clement, Mayor  
Nelson Nolte, Alderman, Ex-Officio member  
Andrea Riganti, Director of Planning, Zoning and Economic Development  
Loriell Campbell, Planning Technician  
Paul Rost, City Attorney

#### CASES

**A. PC-23-SUP-02:** Erika Gotway, owner of 210 Henry Ave., requesting allowance through a Special Use Permit review in accordance with, Section 405.550 of the Zoning Code to allow a property located in the C-1 Commercial and H-Historic District to be used as a single-family residential dwelling. LOC#22Q110163

- Erica Gotway  
210 Henry Ave.  
Manchester, MO 63011

**B. PC-23-TXT-02:** Requesting a discussion for a zoning text amendment relating to comprehensive marijuana businesses.

- City Staff

### 1. CALL TO ORDER

Chairman Truesdell called the Planning and Zoning Commission meeting of August 28, 2023, to order at 6:30 p.m. The meeting was held virtually via Zoom.

### 2. ROLL CALL

Chairman Truesdell asked the Recording Secretary to take roll.

#### Present

Alderman Nolte  
Chairman Truesdell  
Commissioner Korte  
Commissioner Streeter  
Mayor Clement  
Commissioner Glaser

#### Excused Absence

Commissioner Meyer  
Commissioner Smith

### 3. APPROVAL OF MINUTES

Chairman Truesdell motioned to approve the minutes of August 14, 2023, seconded by Mayor Clement. Motion approved unanimously by voice vote.

#### 4. APPROVAL OF AGENDA

Chairman Truesdell motioned to approve the agenda, seconded by Commissioner Korte. Motion approved unanimously by voice vote.

#### 5. NEW BUSINESS

##### A. PC-23-SUP-02

Chairman Truesdell introduced case number PC-23-SUP-02, stating the request is for the consideration of a Special Use Permit to allow a property located in the C-1 Commercial and H-Historic District to be used as a single-family residential dwelling.

Director Riganti provided the background for the request, indicating that a special use permit is required in the C-1 Commercial zoning district with a H-Historic District overlay for single-family dwellings. She indicated that the property is in a local Henry Avenue Historic District, and that there are no proposed changes to the property.

Chairman Truesdell swore in Erica Gotway, representing 210 Henry Ave.

Ms. Gotway stated that the building was constructed in 1899 and the intent is to continue to preserve the historic character of the building. The building was previously used as a travel agency. Ms. Gotway and her husband would like to use the building as a single-family home.

Director Riganti gave the staff report indicating that the location meets all SUP criteria including open space, lighting, buffering, off-street parking, paving, sewage, stormwater, ingress/egress, rubbish, and noise requirements of the zoning code for a single-family residential use. The proposed use is less intense than prior commercial uses and will not be detrimental to surrounding land uses.

Chairman Truesdell asked the applicant if the property has already been purchased. Ms. Gotway replied yes.

Chairman Truesdell asked if any renovations were needed to the home. Ms. Gotway stated that a home inspector did not identify major repairs or renovations needed. Previous owners made improvements to the structure while maintaining the historic nature.

Mayor Clement asked Director Riganti if the approval of the Special Use Permit would be permanent for the representatives, and if the permit could be transferred to new homeowners if they were to sell. Director Riganti confirmed that Special Use Permit will be for the current applicants only, but that it could be transferred to a new property owner seeking to use the building as a single-family dwelling. She described the SUP transfer process, indicating that such a request would need consideration by Planning and Zoning Commission and Board of Aldermen.

Chairman Truesdell motioned to approve the request, seconded by Commissioner Korte. Motion carried unanimously by voice vote.

##### B. PC-23-TXT-002

Chairman Truesdell introduced case number PC-23-TXT-002, stating the request is for discussion only.

Director Riganti provided background and summary on the text amendment request, indicating that city staff would need to move forward with a vote on the text amendment on September 11<sup>th</sup>, due to the Amendment 3 of the State Constitution for comprehensive marijuana being approved in November 2022, and the City needing to adopt local regulations for the new use. Director Riganti provided the background on what regulations the City are and are not permitted

to regulate by zoning as established by Amendment 3. She indicated that the draft ordinance being discussed this evening was similar to the model ordinance prepared by Cunningham, Vogel and Rost.

Director Riganti provided a response to the Commission's question from the August 14 Planning and Zoning Commission meeting regarding the state definition of a daycare. She explained that the RSMo 210.201 definition of a daycare can possibly include an at home day care that is licensed by the state containing six children or three children under two years of age.

Director Riganti stated that the city will model the regulation of comprehensive marijuana uses to other deleterious uses, such as a liquor store, which requires a Special Use Permit, and distance requirements from facilities such as a daycare, school, or church.

Director Riganti indicated that comprehensive marijuana facilities will only be able to be in the C-1, C-2 and PLM/IDD districts with a special use permit.

Director Riganti then presented the differences between what the city zoning code has for medical marijuana compared to the purposed changes for comprehensive marijuana.

Chairman Truesdell asked the City Attorney if Amendment 3 related to on-premises use of marijuana.

Attorney Paul Rost stated that in Missouri a facility cannot have both alcohol and marijuana for sell or on-premises use. Attorney Rost then related to St. Louis County's regulations, banning smoking in restaurants and similar facilities to comprehensive marijuana facilities.

Mayor Clement mentioned an article in the Post Dispatch, relating to on-premises use of comprehensive marijuana.

Chairman Truesdell asked if the city could prevent the use of comprehensive marijuana on-premises. Director Riganti confirmed it was, as Attorney Rost stated. It is mentioned in various sections of the proposed codes.

Chairman Truesdell suggested the term non-medical marijuana be changed to adult-use recreational marijuana or another term.

Commissioner Streeter asked for clarification on the distance requirements of a comprehensive marijuana business to churches, daycares, and schools and the accuracy of how that is determined. Director Riganti indicated that the map presented this evening was solely for illustrative purposes. If the City received an application the exact 1,000 foot distance would be measured in accordance with the ordinance definitions.

Commissioner Korte questioned if any of the neighboring towns have put similar ordinances in place. Director Riganti indicated that other communities are either in the process of amending their zoning code or already adopted a relevant code.

Commissioner Korte asked if the city will have a limit on the number of businesses allowed in the purposed text amendment. Attorney Rost mentioned that it was not included in the purposed text amendment, because it could create unduly burdensome, which will be in violation. Rost also stated that the state limits the number of licenses for comprehensive marijuana facilities throughout the state.

Commissioner Korte asked if the same requirements for parking spaces for similar uses would be used for comprehensive marijuana facilities. Director Riganti indicated that the city will regulate parking spaces through the special use permit but will not be treated like similar uses like a liquor

store due to the difference in traffic. Attorney Rost and Director Riganti agreed that parking for this type of use will have to be researched further.

Chairman Truesdell asked if law enforcement has any changes in policy to deal with impairment. Attorney Rost stated that law enforcements are being trained to identify impairment issues.

Chairman Truesdell motioned to postpone for further discussion and a possible vote at the September 11<sup>th</sup> commission meeting, seconded by Mayor Clement. Motioned carried by voice vote.

**6. PLANNING, ZONING AND ECONOMIC DEVELOPMENT DIRECTOR'S REPORT**

Director Riganti presented upcoming zoning code text amendments and estimated timelines for adoption.

**7. MAYORAL REPORT**

Mayor Clement reported on the progress of the new City Hall. The City is identifying punch list items with the contractors and will soon start the process of obtaining occupancy. Mayor Clement mentioned that the seven-month budget has been reviewed, and the annual budget for 2024 is in progress. Mayor Clement then provided an update on the annexation process.

**8. EX-OFFICIO'S REPORT - none**

**9. COMMENTS FROM THE PLANNING AND ZONING COMMISSION - none**

**10. ADJOURNMENT**

Chairman Truesdell made the motion to adjourn the Planning and Zoning Commission meeting of August 14, 2023, at 7:16 p.m., seconded by Commissioner Korte. Motion carried unanimously by voice vote.

Respectfully submitted by:  
Loriell Campbell, Planning Technician  
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