

# PLAN COMMISSION MEETING MINUTES OF JUNE 10, 2020

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## MEETING MINUTES City of Berkeley City Plan Commission Wednesday, June 10, 2020 1:00 P.M.

Virtual Meeting, 8425 Airport Road, St. Louis, MO 63134

Note: The agenda for this meeting was posted on the bulletin board at the City Hall complex, 8425 Airport Road and is in compliance with the Open Meetings Law.

Members Present: Mayor Hoskins, DeBora White, Will Ferguson, and Carolyn Crimes

Staff present: Debra Irvin City Manager Coordinator and Jim Linhardt, Fire

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### CALL TO ORDER / DECLARATION OF QUORUM

The Plan Commission members met in a virtual setting on Wednesday June 10, 2020. Mayor Hoskins called the meeting to order at 1:03 pm.

A quorum was established.

Special guest Councilwoman Mitchell and Councilwoman Williams was also present.

### MINUTES

Approval of May 1, 2020 City Plan Regular Meeting Minutes.

Hoskins asked for a motion to approve the minutes. Commissioner Crimes made a **MOTION**, Commissioner White **SECOND** the motion. A voice vote was taken, and the minutes were unanimously approved with a voice vote 4:0, White, Crimes, Hoskins, and Ferguson.

### PUBLIC COMMENT:

None

### OLD BUSINESS

None

### NEW BUSINESS:

**Case No. 20-09-** A request from the City Manager to amend Ordinance 4527 by adding definitions as stated in the State of Missouri Article XIV, Section 1 and 19 CSR 30.095 relating to medical marijuana cultivation, dispensary, manufacturing, testing, and transportation.

City Manager Irvin requested on behalf of the City of Berkeley to add definitions to zoning code related to Medical Marijuana. Amending the code will allow the City of Berkeley to follow the state of Missouri guidelines

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Mayor Hoskins asked for a motion to approve CM recommendation. With no further discussion. White made a **MOTION**, Ferguson **SECOND**. A voice vote was taken 4:0 Hoskins, White, Crimes, and Ferguson. Motion passed.

**Case No. 20-10-** A request for a Special Use Permit to Noah's Arc Foundation LLC at 5001 Springdale Ave, Lot 21 NorthPark Plat One P.B. 355, PGs 941-947, 1.43 Acres, to operate a Medical Marijuana Manufacturing Facility.

**Case No. 20-10A-** A request from Stock and Associates Consulting Engineers on behalf of Noah's Arc Foundation LLC for a review and approval of the Site Development Plan for 5001 Springdale Ave. Lot 21 NorthPark Plat One P.B. 355, PGs 941-947, 1.43 Acres, Berkeley, MO 63134.

George Stock with Stock Associates Consulting Engineers was present speaking on behalf of Noah's Arc Foundation requesting a SUP to operate a Medical Marijuana Manufacturing Facility and also review and approval of the Site Development Plan for 5001 Springdale Ave, Lot 21 NorthPark Plat One P.B. 355, PGs 941-947, 1.43 Acres, Berkeley, MO.

Before moving forward, it should be noted that Mr. Stock is the petitioner for Case No. 20-10 and Case No. 20-10A and asked the board if he could review both cases in a Power Point Presentation.

Mr. Stock began his presentation, Noah's Arc Foundation has been awarded licensing through the state, and has presented a proposal to operate a facility to manufacture infused marijuana products. Operational days will be Monday through Friday in between the hours of 8AM to 5PM. There will be no fumes or emissions inside of the building. All products sold from the facility shall have been processed and finalized for distribution. The facility is described as a one-story building with hopes to expand

With no further discussion, Crimes made **MOTION** to approve, Commissioner Ferguson **SECOND**. A voice vote was taken 4:0, White, Crimes, Hoskins, and Ferguson.

**Case #20-11:** A Request for a Special Use Permit to Kendrick Evans to operate a Communications Store (Cellular, Cable, Internet), Gift Shop, and Carry-Out Food at 8200 Airport Road, Berkeley MO Kendrick Evans appeared and gave a lengthy presentation of his multi-use business model. He wants to use the space for a communication business, gift shop and carryout food. Applicant desires this to be a model that he can possibly franchise. After many questions from the commission, the Mayor called for a motion. The mayor called three times for a motion to approve. With no motion to approved, the matter died for lack of a motion.

**Case #20-12:** A request for a Special Use Permit (SUP) to Walter and Keisha Haynes to operate Rudii B's Grill, a Carry Out Restaurant at 8239 Airport Road, Berkeley, MO

Applicants did not appear. Mayor asked for **MOTION** to move to July 8, 2020 meeting. Crimes made **MOTION** to approve, Commissioner Ferguson **SECOND**. A voice vote was taken 4:0, White, Crimes, Hoskins, and Ferguson.

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## CONCLUDED

That the next regularly scheduled meeting of the City Plan Commission is held on **Wednesday, July 8, 2020 at 6:00 p.m.** and that consideration of the dates and times of future Committee meetings be deferred to this meeting.

## ADJOURNMENT

There being no further business to come before the Commission, Chairperson Hoskins adjourned the meeting for a second time at 2:27pm

*Virtual Approval 7/8/2020*

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Respectfully submitted by:  
Sabrina Bozeman Public Works Secretary  
Recording Secretary

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Approved for submittal by:  
Commission Crimes

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## **CONDITIONS - Case No. 20-10**

Approve, with conditions, the request for a Special Use Permit by Noah's Arc Foundation, LLC 5001 Springdale, in the City of Berkeley, St. Louis County, Missouri, located at the corner of North Hanley Road and Springdale Avenue.

1. At all times the facility shall comply with 19 CSR 30-95.040 Medical Marijuana Facilities Generally
2. Hours of operations shall be Mon-Saturday 6:00am – 11:00pm
3. Weight and length of transportation vehicles shall comply with Section 390
4. No sales to the general public
5. No outdoor grow fields
6. Smoking and vaping of cannabis on the property is prohibited
7. Parking of employees personal or commercial vehicles on Springdale, Zev or No Hanley Road is prohibited.
8. Off-loading shall comply with 400.195 (I)
9. Exterior signage shall comply with Section 400.195(J)
10. No signage on fencing
11. Manufacturing shall not:
  - a. Release into the air any substance which would impair visibility or otherwise interfere with the operation of aircraft;
  - b. Produce light emissions, either direct or indirect (reflective), which would interfere with the operation of aircraft;
  - c. Produce electrical, magnetic or other emissions which would interfere with the operation of aircraft, aircraft communication or aircraft guidance systems;
  - d. Attract birds, waterfowl or wildlife in a manner that creates a hazard to aviation;
  - e. Create a hazard to aviation in any other manner.
12. Use shall comply Section 400.195 (H)(b) -Performance Standards
13. A buffer, or minimum separation distance, may be established between any cannabis-related facility and other sensitive land uses, such as Mathison Lake Park, and Lot 22, vacant land
14. Property shall adhere at all times to Section 530: Stormwater Management
15. Overall, the total site, total areas, building needs to be inspected by the City Staff for compliance with the City's current codes and regulations prior to occupying the same.
16. Proper trash enclosure doors with suitable hinges should be connected for smooth operations.
17. Submission of final architectural drawings for new construction to the Building Department for review and approval by the Building Commissioner.
18. Outside storage of bins and empty boxes is not allowed on the property or in the trash enclosure by the City's Codes. All trash be stored behind the building line
19. This Special Use Permit will be revoked if for any reason the applicant ceases operations and not complying with the City's Special Use Permit.
20. This Special Use Permit shall not be assigned, or sold, or conveyed, without prior written approval from the City Council
21. Prior to issuance of any Occupancy Permit, the above noted conditions shall be met.

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22. A Berkeley Business license is required
23. In granting such special use permits, the City Council may provide that the permit be valid for a limited period of time not to exceed ten (10) years. Upon expiration of the time limit specified in the permit, the holder of the permit may request the permit be reviewed by the City Council, and the City Council may extend it for another limited period of time not to exceed ten (10) years.
24. Adhere to annual fire inspection by the Berkley Fire Marshal or designee
25. State License required for medical marijuana manufacturing – shall be posted at all times.

### **CONDITIONS- Case No 20-10A:**

1. This site shall comply with all the applicable regulations pertaining to health, safety for vehicular and pedestrian traffic, zoning, building, sign codes, fire and safety protection standards as required by the City Fire Department, City of Berkeley and St. Louis County.
2. SWPPP, Grading, and Excavation permits are required from the City of Berkeley
3. MSD approval shall be obtained before grading and excavation permits will be issued by the City of Berkeley
4. The area shall be maintained and kept free and clear of any debris or trash or weeds. All plants/trees/bushes and landscaped material will be properly maintained.
5. During the construction phase, the developer/builder will utilize all BMP's and all applicable regulations.
6. Fence shall be no taller than 8-feet, with no more than 3 strands of barbed wire.
7. Water connect boring from Springdale to site will be approved with an excavation permit and line shall be encased.
8. Asphalt Parking lot shall be commercial grade for the weight of Berkeley Fire Trucks and turnaround for ingress/egress at 26- feet or greater
9. Owner shall install Knox box for rapid access to the fire department.
10. *Minimum Site Requirements, Section 400.195 (H)(1) Performance Standards.*