

**CITY OF OLIVETTE  
PLANNING AND COMMUNITY DESIGN COMMISSION  
MEETING MINUTES  
JANUARY 19, 2023**

The City of Olivette Planning and Community Design Commission (PCDC) met on January 19, 2023, at 7:00 pm via videoconferencing on Zoom. Rob Jurgiel presiding as Chair called the meeting to order. Commission Member Judy Rich served as secretary. The meeting was live streamed via <https://us02web.zoom.us/j/87330160830>.

**1. ROLL CALL:**

On roll call, the following Commission members were present:

Rob Jurgiel, Chairman  
Bryan Lewis

Carol Waggoner, Vice Chairman  
Tim Spiegelglass

Jodi Rich, Secretary  
Daniel Rosenberg

Also, in attendance: City Council Liaison, Councilmember Missy Waldman; D Planning and Community Development Director, Carlos Trejo; Senior Planner, Dawn Doty; and Deputy City Clerk, Bridget Waters.

In the audience, City Manager Barbara Sondag and City Attorney Paul Martin.

A quorum being present, Commissioner Jurgiel declared the meeting in session for the transaction of business.

**2. REVIEW OF COMMISSION PROCEDURES:**

Chairman Jurgiel provided an overview of how business would be conducted during the videoconference, including how to participate, and the procedure in which presentations and public comments would be conducted for each item.

**3. PUBLIC COMMENTS:**

There were no public comments.

City Manager Sondage request to address the Commission. She noted that she had submitted her letter of resignation to the Council and will be retiring effective April 3, 2023.

**4. An ordinance amending the Olivette Municipal Code by enacting a new Chapter 450 regulating marijuana facilities**

Mr. Trejo provided a slide presentation of his memorandum and draft ordinance regarding Chapter 450. He noted the recent changes the City Council has initiated to the Municipal Code, including: Chapter 420, smoking in public; Chapter 215, regarding possession; Chapter 450, regarding adult use recreational marijuana; and also placing a sales tax measure in the April ballot.

Paul Martin, City Attorney, spoke before the Commission. He spoke regarding Amendment 3, and the draft bill he has prepared on behalf of the City Council for Amendment 3 changes to the land use code. He noted the bill would combine both medical and adult use recreational marijuana and clarifying the method of measurement as noted under Amendment 3.

There were no Commission comments.

Commissioner Jurgiel provided an opportunity for public comment. The following spoke before the Commission:

Stephanie Todd of 7 Heather Hill Lane. She requested the Commission consider requiring a buffer to be applied between adult use recreational dispensaries and City parks.

Kristin Bengtson, Associate Director of Community Strategy with PreventED at 9355 Olive Boulevard. She noted she was asked by her agency to make a statement on the conversation regarding PreventED works to educate communities on the risks of substance use and the strategies that can mitigate those risks. She noted the more exposure to the availability of a product can lead to a decrease in the perception of harm in that product and an increase in use particularly among young people. PreventEd's particular concern around cannabis is around high potency cannabis, which is cannabis with a THC content of higher than 10%. She noted in the states of Colorado, Washington, and California, 95% of cannabis is of the high potency type. She noted that studies show risks in developing brains and adult brains, including mental health issues.

Raphael Thomadsen of 809 Newcastle Drive. He requested the Commission consider requiring a buffer to be applied between adult use recreational dispensaries and City parks. He stated that when the last text amendment regarding medical marijuana was discussed, there was discussion of a buffer from parks as it related to cultivation and manufacturing facilities in the industrial parks, in which the buffer would overly restrict

these uses. He stated applying the buffer to dispensaries would not overly restrict ability to place dispensaries in along the Olive Boulevard corridor.

Ishan Desai of 9318 Kenneth Place spoke before the Commission. He stated a financial plan should be required by any future dispensaries given that historically dispensaries are a cash rich business and given that there is a lot of cash floating around. He stated that invites crime, and there should be a better auditing process and information in what banks the dispensary is working with as a safety check.

Hillary Davidson of 1029 Dolores Avenue. She commented on the petition for 9270 Olive Boulevard, a petition for a marijuana dispensary. She stated the proposed location is an inappropriate given the special characteristics of the street, that there are school children who are picked up and dropped off at the southwest corner of Dolores Avenue and Olive Boulevard, and the potential for the street to become more vulnerable to thru traffic.

**5. CONSENT BUSINESS:**

**A. 569 Long Acres Drive**

Mr. Trejo provided a slide presentation of his memorandum noting that this item is before the Commission for Community Development and Concept Stormwater Management Plan review. He noted the 3-items in his report, including the amount of brick along the front elevation is below 50%, but reflective of prior approvals along this street, and per ordinance this site does not have on-site detention since it is part of an MSD subdivision approved review. He note the side elevation foundation exposure and sump pump discharge.

Commission discussion ensued over the brick on the front elevation and whether a turnaround wrap should be required, and if required in the past.

Harry Freeman, the Petitioner and with Freeman Homes, spoke before the Commission. He discussed the brick wrap around and noted a willingness to incorporate if it was done with the previous home.

Commission Waggoner motioned to approve the Community Design and Concept Stormwater Management Review for a new single-family home at 569 Long Acres Drive conditioned to the 3-items noted in the staff report and that a brick wrap around be required from the front building elevation onto the side elevations. Commissioner Lewis seconded.

Commissioner Jurgiel provided an opportunity for public comment. There was none.

On a roll call vote, the following actions were taken:

|                           |     |
|---------------------------|-----|
| Commissioner Spiegelglass | Yea |
| Commissioner Rosenberg    | Yea |
| Commissioner Lewis        | Yea |
| Commissioner Rich         | Yea |
| Commissioner Waggoner     | Yea |
| Commissioner Jurgiel      | Yea |

The motion passed unanimously, 6 to 0.

**6. NEW BUSINESS:**

**A. 9270 Olive Boulevard, Sunrise Dispensary**

Mr. Trejo noted that this item is being introduced to the Commission and provide a slide presentation of the petition application information provided. He noted it is a request to operate a cannabis dispensary at the southeast corner of Dolores Avenue and Olive Boulevard, an existing improved parcel addressed as 9270 Olive Boulevard. He noted the property is currently zoned "COR" Commercial/Office/Retail District. The petition is to retrofit the existing multi-tenant building as a dispensary. Dispensaries are permitted in the COR District and subject to review and approval of a special permit. He noted that the changes noted in the draft ordinance for Chapter 450 discussed earlier in the meeting would have to be adopted to allow for both the medical and adult use recreational marijuana dispensary.

Mr. Trejo provided an overview of the special permit process and review. He noted the Commission has up to 120-days to review and forward a recommendation to the City Council. He stated the City will review the petition and special permit request as it furthers the City's vision under the 2006 Comprehensive Plan, Catalyst Strategy, and the Olive Boulevard Concept Master Plan. Mr. Trejo noted that it has been brought to the City's attention that the Coeur Academy, addressed as 9348 Olive Boulevard, is considered a school based on State and Federal information that has been accessed.

Discussion ensued with the City Attorney Martin over the Coeur Academy, located at 9348 Olive Boulevard. Mr. Trejo noted 3-items to be reviewed and discussed:

- What is the Coeur Academy,
- What is the State's definition of a elementary or secondary school, and
- In what method and measurement is the Academy from the petition property.

He stated that the City will look into these matters as part of the review.

The Petitioner, Neal Minor, Chief Administrative Officer with Agri-Genesis spoke before the Commission. He noted that he is working with City staff and will be preparing and submitting additional plan information, including landscape plan, elevations and renderings, streetscape, and signage.

Commissioners ensued discussion with Mr. Minor. Discussion included how the Petitioner will address security. Mr. Minor noted experience with other facilities and the State requirements for dispensaries. Mr. Trejo noted that the current Chapter 450 incorporates many of the State security requirements and requires a meeting with the City Chief of Police. Mr. Trejo noted that Mr. Minor and members of his staff have met with Chief of Police Andreski and Major Berry. Discussion ensued with Mr. Minor about the type and location of other facilities operated by Agri-Genesis. Mr. Minor noted that the current dispensary facility in the City of St. Louis would be closed and operations relocated in Olivette. Discussion ensued over number of employees, project clients, and number of parking stalls on the site.

Commissioner Jurgiel provided an opportunity for public comment. The following spoke before the Commission:

Kate Helman of 800 North Price Road. She stated that the Commission should deny the petition given the location and proximity of the petition property to Coeur Academy, which advertises as an educational institution who educates students who do not thrive in a traditional school setting. She commented on how schools should be defined, noting that while not defined under Amendment 3, the City should consider other guided sources provided by the State. She urged the Commission to consider not taking action until voters are given an opportunity to decide to ban recreational dispensaries in Olivette (noting this does not occur until November 2024.). She stated a dispensary along the central corridor does not help improve the Community's image given it potential to bring in crime, the problem of smoking in public, negative impact on surrounding neighbors and businesses, and potential of additional cost and strain on the City's police force.

Jeff Schneider of 9324 Kenneth Place. He expressed concerns over crime, the property location being at the entry of the neighborhood, the traffic issues the dispensary would generate, difficulty in trying to access Olive, the location of a school bus stop across the street, the number of parking stalls on the site, and potential for street parking issues given the narrowness of Dolores and Kenneth.

Laura Yan of 660 Ashmont Drive. She expressed concern of the petition location being close to the Dance Academy at 9310 Olive Boulevard, which she stated has over 100 students, age 4 to teens, with daily classes. She also expressed concern of the site being too close to residential properties.

Commissioner Waggoner requested the City Attorney to review and provide an opinion on whether the St. Louis Dance Academy would be considered a school.

Rekha Ramanuha of 9700 Fairgreen Drive with practice at 1220 North Lindbergh Boulevard. She informed the Commission she is a child and adolescent psychiatrist. She noted that as a child and adolescent psychiatrist, she is overwhelmed at work as now given that current state of a mental health crisis. She noted it is difficult to address current mental health issues among youth especially when billboards and dispensaries are readily available. She noted that there are studies linking increased use amongst kids where there are billboards and dispensaries in place.

Stephanie Todd of 7 Heather Hill Lane. She stated that on the Coeur Academy's Facebook page, it states that the school received a best school award in 2022. She also commented that she heard this was going to be the largest dispensary in the State of Missouri, is that something the City would like to be known for. Mr. Trejo informed the Commission that there is no evidence or resource verifying that this would be the largest dispensary in the State of Missouri. Mr. Minor approached the Commission noted that of the 5-dispensaries Sunrise operates, this would not be the largest.

Jennifer McKnight of 9322 Kenneth Place. She noted the fence south of the property 1042 Dolores Avenue is a rental property. She stated during the pandemic that there were problems with vagrancy in Villa Park. She also noted concern of the impact this type of use would have to the school bus stop and the children that wait there.

Matt Hirsch of 9709 Fairgreen Drive and noted he is a commercial real estate broker and the broker that brokered this transaction. He stated that he and the petitioner met with the City to discuss medical marijuana and dispensaries and was told the City had no issues. He stated he received a letter from Planning Director

Trejo that states the site is in compliance and not within 1,000 feet from a school. He noted that there is a cross access easement with the Price Crossing development on the east to access Price Road and the signal at Price and Olive.

Sundos Schneider of 9324 Kenneth Place. She inquired as to what businesses did the Petitioner have parking agreements with. She noted that Dolores Avenue is a narrow street and expressed concerns that customers of the dispensary would park on the street. She noted kids walk up and down the streets of Dolores and Kenneth everyday and that new homes are being developed that will generate more families with kids. She stated delivery trucks and trash vehicles have reported problems accessing Dolores and Kenneth when cars are parked on the street.

Hillary Davidson of 1029 Dolores Avenue. She requested the Commission consider the health of the residents within the neighborhood. She stated that the dispensary would incorporate various safety measures to avoid break-ins into their facility but what about the visibility and access to the homes in close proximity. She stated that the City should not consider the dispensary for the purposes of needing revenue.

Zachery Michael with Agri-Genesis. He addressed the issue of purchasing cannabis products at dispensary, noting that the State law is 21 or over, and that they have various methods of checking IDs to ensure the age of the purchaser.

Chairman Jurgiel as the Petitioner to address the question regarding what adjacent businesses is there a parking agreement with.

Neal Minor with Agri-Genesis addressed the Commission. He stated he has had several discussions with adjacent commercial property owners regarding parking but has not to date obtain any signed lease agreements or contracts. He noted that on Dolores, there are no parking signs near Olive, and that he would not want dispensary customers or deliveries parking on Dolores.

Barbara Sondag, Olivette City Manager. She noted that the award Ms. Todd referenced earlier for best school given to Coeur Academy, was reported to the Police by the City and several other businesses. The City was not affiliated with the award process, and that those who received the award noted to the Police that the issuer also asked to contribute to an award fee to help other businesses. This is still under investigation.

Ishan Desai of 9318 Kenneth Place. He challenged the perception of referencing support for dispensaries based on the November ballot initiative for Amendment 3. He also stated that not enough advance notice was given to residents regarding the petition application and the date of the meeting.

Mr. Trejo addressed the Commission and noted the publication of information regarding the petition application and the scheduled meeting date.

Song Yao of 20 Heather Hill Lane. He noted that given the references to the percentage of voters in Olivette that voted in favor of Amendment 3 in November, the Commission should consider that the overall percent of registered voters was less and didn't vote.

Via Zoom video, Nina Miller of 36 Pricewoods Lane. She noted that on an online search of marijuana dispensary crimes on local news websites, she found a long list of robberies and break-ins, including over two dozen burglaries in one summer months' time. She stated this is not a business that the City should encourage next to a school or houses. She referenced that Amendment 3 allows residents of a municipality to bring to ballot on whether recreational dispensaries should be allowed, but this does not happen until November 2024. She stated in an NIH study there is a report that states that at least 25% of purchasers at a dispensary resale to others.

Via Zoom video, Jason Murray of 9328 Kenneth Place. He stated that given the new and uniqueness of this type of business, if the City has done any analysis on the impact of a business like this historically on property values. He also stated support for comments noted regarding safety and number of children on Dolores and Kenneth, parking and narrowness of the streets, and increase in traffic.

Via Zoom video, Christina Hundley of 9311 Kenneth Place. She expressed concern on the current amount of traffic in the neighborhood, and the impact the dispensary would have. She expressed concern on the proximity of the school bus stop on the site and the potential for someone to sell marijuana products, so as what occurs near liquor and alcohol stores. She also expressed concerns about utilization of the cross access easement given the parking situation at Price Crossing, the use of the easement to cut into Dolores and Kenneth, impact to property values, and crime-noting that several reports have been issued regarding attempted car break-ins. Another point noted in regards to security on the site for the dispensary, a concern of residents on Dolores and Kenneth is what is going to stop crime increasing in their neighborhood, given it

is secluded and now will be the entry to the dispensary. She stated the park is close by and noted that in the past there has been issues regarding drunkenness in the park.

Zachery Michael with Agri-Genesis spoke before the Commission. He noted that in regards to comments on crime and property value, that there are studies that note that that single family homes within a mile from a dispensary increased by 8.4% and the same research has noted that there is no correlation between any increase in crime or underage use.

Neal Minor with Agri-Genesis spoke before the Commission. Mr. Minor noted he could share various links to similar articles that Mr. Michael noted and nationwide studies that showed home values in communities where marijuana is legal the home values increase at a rate 20% faster than communities that do not have legal marijuana. In addition studies that show the crime rates actually go down once marijuana is legalized because the black market disappears.

Song Yao of 20 Heather Hill Lane. He informed the Commission he has a PhD in Business Administration, is a principal economist with Amazon, and a professor of business administration at Washington University St. Louis. He stated he has read several articles that are contrary to Mr. Minor's statement regarding the impact of dispensaries on real estate housing market, and he asked to review the articles that the Petitioner has referenced.

Via Zoom video, Robin Park of 9326 Kenneth Place. She informed the Commission she is a child psychiatrist. She stated there is a huge crisis with children and that marijuana is a big piece of that.

**B. Lynne-Bonhomme Subdivision (9549 Old Bonhomme Road)**

Mr. Trejo provided a slide presentation of his memorandum. He noted that this item had been a discussion item under agendas in both November and December. The item is now formally before the Commission for review and approval. He stated the plat incorporates the increased setback along Old Bonhomme Road and that discussions have been noted to the Petitioner's representative about the orientation of the front door to be addressed during Community Design Review of the new home.

There were no Commission comments.

Commissioner Jurgiel provided an opportunity for public comment. The following spoke before the Commission:

Doug Cohen of Douglas Properties spoke before the Commission. He noted concerns about the orientation of the home along Old Bonhomme Road and the difficulty design wise to define the rear yard and to provide a usable rear yard.

Commissioner Lewis motioned to approve the petition as submitted subject to the conditions on staff's report dated January 23, 2023. Commissioner Spiegelglass seconded. On a roll call vote, the following actions were taken:

|                           |     |
|---------------------------|-----|
| Commissioner Spiegelglass | Yea |
| Commissioner Rosenberg    | Yea |
| Commissioner Lewis        | Yea |
| Commissioner Rich         | Yea |
| Commissioner Waggoner     | Yea |
| Commissioner Jurgiel      | Yea |

The motion passed unanimously, 6 to 0.

**7. OTHER BUSINESS:**

**A. Olivette Townhouse redevelopment project (1115, 1121, 1125, 1131, 1137, 1141, 1145, and 1161 Dielman Road)**

Mr. Trejo provided an overview of the final changes incorporated into the Site Improvement Plan, given St. Louis County's final approval on access onto Dielman Road. No action was requested.

**B. Meeting Minutes**

- None

**C. Reports**

- Director Trejo provided updates regarding occupancy and permitting.
- Councilperson Waldman provided an overview of recent City Council activities

**8. ADJOURNMENT:**

- Commissioner Jurgiel asked if there were any further questions or comments. Being none, the meeting adjourned at 9:54 PM.

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Secretary Jodi Rich

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Chair Rob Jurgiel

Adopted: 2023 XX-XX