



PLANNING AND ZONING COMMISSION MEETING

1 GOVERNMENT CTR, BALLWIN, MO 63011
MONDAY, OCTOBER 02, 2023 at 7:00 PM

AGENDA

1. **Call to Order**
2. **Approval of Minutes**
 - a. Minutes of the March 6, 2023 Meeting
3. **Agenda Items**
 - a. Election of Chairman & Secretary
 - b. Z 23-02 Text Amendment - Lighting Ordinance
Petitioner: City of Ballwin
4. **Adjourn**

NOTE: Due to ongoing City business, all meeting agendas should be considered tentative. Additional issues may be introduced during the course of the meeting.

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**MINUTES OF THE
PLANNING AND ZONING COMMISSION MEETING
1 GOVERNMENT CTR ♦ BALLWIN MO 63011
MARCH 6, 2023**

Chairman Weaver called the meeting to order at 7:00 p.m. Members in attendance were:

PRESENT

Chairman Mark Weaver
Secretary Olivia Pieknik
Commissioner Grant Alexander
Commissioner Gary Carr
Commissioner Chad Silker
Commissioner Victoria Winfrey
Alderman Mark Stallmann
Mayor Tim Pogue

Planning Technician Shawn Edghill
City Administrator Eric Sterman
City Attorney Robert Jones

ABSENT

Commissioner Derek Beiter
Commissioner Mike Swain

Approval of Minutes

A motion was made by Alderman Stallmann to accept the minutes of the February 6, 2023 meeting as submitted. Secretary Pieknik seconded the motion, which received unanimous approval from the Commission members present.

SUB 23-01 – Simple Lot Split

Olde Towne Plaza, 14810 Manchester Road, Ballwin, MO 63011
Petitioner: Gerald Bedrin, 65 Harristown Rd., Glen Rock, NJ 02457

Mr. Joe Pfleger addressed the Commission on behalf of Mr. Bedrin, requesting approval for the lot split. He said this will not create any new lots, access points, easements, or streets.

Mayor Pogue asked if both lots will remain under the current ownership. Mr. Pfleger said he did not know. Alderman Stallmann asked if Mr. Pfleger knew the reason behind the petition, to which Mr. Pfleger responded that he did not.

Commissioner Alexander asked if the lot split had been reviewed from a building code standpoint; as a result of proposed this lot split, one building will be on two lots. His concern is making sure that the separating walls meet code.

Mayor Pogue asked City Attorney Jones if this type of split would create any conflicts with setbacks, as the property line would go through the building; and if so, how would that be addressed? City Attorney Jones said it could make the lots non-conforming; he would have to check the dimensions. If this is the situation, this could not be handled as a simple lot split. Alderman Stallmann asked City Attorney Jones if this needs to be resolved before making a recommendation to the Board of Aldermen. City Attorney Jones said the recommendation can include the provision to resolve the issue.

Commissioner Alexander said that he would like the proposed lot split to be reviewed by an architect to ensure that no building codes are being violated and that no updates to the building are required as a result of the lot split.

Chairman Weaver opened the public hearing and asked if anyone wished to speak in favor of Petition SUB 23-01. No one came forward, and Chairman Weaver asked if anyone wished to speak in opposition to the petition. No one came forward, and Chairman Weaver closed the public hearing.

City Attorney Jones said that in reviewing the ordinance for Olde Towne Plaza, there are no required side yard setbacks.

Mayor Pogue made a motion to recommend approval of Petition SUB 23-01 to the Board of Aldermen, with the contingent on staff approval that the petition meets all criteria of the definition of a simple lot split. Commissioner Alexander seconded the motion, which received unanimous approval from the Commissioner members present.

Z 23-01 – Marijuana Use Ordinance Change

Petitioner: Shawn Edghill, City of Ballwin, 1 Government Ctr., Ballwin MO 63011

Planning Technician Edghill said this change is based on the statewide approval and adoption of Amendment 3, and will update the language in the zoning code as it relates to medical and recreational marijuana.

Mayor Pogue asked City Attorney Jones if there are any substantial changes – other than including recreational marijuana – to what was approved previously for medical marijuana. City Attorney Jones responded that when the zoning was approved for medical marijuana, the spacing from schools, churches, and daycares, was reduced from the maximum of 1,000 feet to 300 feet. This will apply to recreational use marijuana as well. He said the new Amendment 3 clarifies how this distance is measured: from the external wall of the marijuana facility closest in proximity to the school to the closest point of the property line to the school (unless the school is part of a larger facility). City Attorney Jones said the 1500 ft required spacing between facilities remains unchanged.

Secretary Pieknik asked City Attorney Jones about facilities under the same ownership. Can they be within the 1500 ft requirement? City Attorney Jones said that is correct, as long as they are not within 300 ft of a school, church, or daycare. Commissioner Winfrey asked if there is a limit on the number of facilities that can open in the City of Ballwin. City Attorney Jones said it is limited to three of each type (dispensary, cultivation, and marijuana-infused), so there could be a total of nine.

Commissioner Carr asked how this falls under federal guidelines. City Attorney Jones said it is still illegal.

Chairman Weaver opened the public hearing and asked if anyone wished to speak in favor of Petition Z 23-01. No one came forward, and Chairman Weaver asked if anyone wished to speak in opposition to the petition. No one came forward, and Chairman Weaver closed the public hearing.

Mayor Pogue made a motion to recommend approval of Petition Z 23-01 to the Board of Aldermen. Commissioner Winfrey seconded the motion. A voice vote was taken with the following result: Aye – Weaver, Pieknik, Alexander, Silker, Winfrey, Stallman, and Pogue. Nay – Carr.

Other Business

Chairman Weaver asked if there are any items for the April 2023 agenda. Planning Technician Edghill said that there are none.

Chairman Weaver noted that this is Planning Technician Edghill's last Planning & Zoning Commission meeting, as he moves on to a new position. The Commission members thanked Mr. Edghill for his service to the City.

Adjournment

Secretary Pieknik made a motion to adjourn the meeting. Commissioner Alexander seconded the motion, which received unanimous approval from the Commission members present. The meeting was adjourned at 7:22 p.m.

J. Mark Weaver, Chairman
Planning & Zoning Commission

ZONING ORDINANCE CHANGE
PETITION REVIEW REPORT

Petition Number: Z 23-02

Petitioner: City of Ballwin
1 Government Center
Ballwin, Missouri 63021

Project Name: Lighting Standards Text Amendment

Requested Action: Zoning Ordinance Regulations Change

Public Hearing Date: October 2, 2023

Code Section: Appendix A, Article XVI Section 31
(addition)

Project Description:

This Petition is for a Text Amendment to adopt standards for installation of new lighting and language to address light trespass violations in the City of Ballwin. Currently, the Zoning Ordinance for the City of Ballwin does not contain specific illumination standards. Citizen complaints have been received regarding light trespass, which the City cannot address due to that lack of standards. As a result, staff approached the Board of Aldermen with new requirements, which are being presented to you as a petition for text amendment.

The proposed language would create lighting standards for residential, non-residential and outdoor athletic or entertainment venues. The new section would be added to Appendix XVI, Additional Height and Area Regulations, of the Zoning Ordinance.

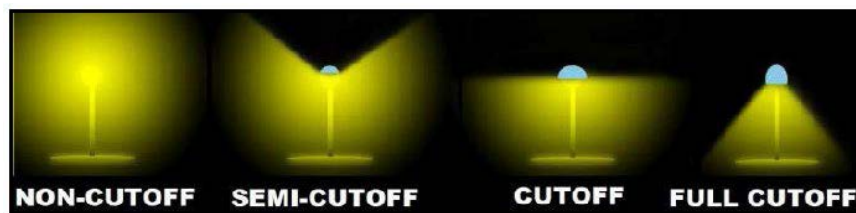
Proposed Language:**Section 31. – Lighting Standards**

- (a) The following lighting standards shall be applicable to all residential properties within the City:
 - 1. All lighting shall be aimed, located, designed, fitted and maintained so as not to create glare that presents a hazard or nuisance to drivers and/or pedestrians, generates nuisance glare or produces prohibited light trespass on neighboring properties.
 - 2. Lights must be of full cutoff design as depicted in Subsection (d) hereof and screened from adjacent properties in a manner that limits light trespass to one-tenth (0.1) of a foot-candle as measured at the property line.
- (b) The following lighting standards shall be applicable to all non-residential properties within the City:

All lighting shall be aimed, located, designed, fitted and maintained so as not to create glare that presents a hazard or nuisance to drivers and/or pedestrians,

generates nuisance glare or produces prohibited light trespass on neighboring properties. Illumination from light trespass shall not exceed one-tenth (0.1) foot-candles as measured at the property line for adjacent residential property or one-half (0.5) foot-candles as measured at the property line for adjacent non-residential property.

- (c) Outdoor Athletic Facility. High-intensity or special purpose lighting of outdoor athletic facilities or entertainment venues shall require a conditional use permit as governed by Article XIV, Special Use Exception Regulations. Conditions related to the following may be imposed by the Board of Aldermen:
1. Hours of operation.
 2. Pole height.
 3. Illumination levels at the property line.
 4. Minimum setback distance from the property line.
- (d) Lighting design for multifamily, office, commercial and industrial developments. All new exterior lighting fixtures installed within the City for multifamily, office, commercial or industrial developments shall utilize cutoff or full cutoff designs to ensure that no light is emitted above a horizontal plane, as depicted in the graphic below. The replacement of fixtures within existing projects in the City shall be brought into compliance with this section.



- (e) The City of Ballwin shall have the right to inspect completed lighting installations to assure compliance with the requirements of this Chapter. Any lighting or light fixture which is not erected, installed or maintained in accordance with the

provisions of this Chapter shall be removed by the property owner of the land on which the lighting or light fixture is situated within fifteen (15) days of notice by the City. If the owner fails to act after fifteen (15) days' notice, the City may refer the matter to municipal court and the penalty provisions in Section 1 – 6 of this Code shall apply upon a plea or finding of guilt.

Staff recommendation:

All new development or re-development in the City would be required to meet these standards. Violations resulting from complaints of existing conditions would be addressed by letter (e) of the proposed ordinance. Staff recommends approval of this Petition as written.

A handwritten signature in black ink, appearing to read "Lynn M Sprick", is written over a horizontal line.

Lynn M Sprick
City Planner