

Westphalia Board of Aldermen
Public Hearing - 6:00 p.m.
Meeting Minutes for January 28, 2025

The Westphalia Board of Aldermen and Planning and Zoning Commission Public Hearing meeting was called to order by Mayor Tammy Massman at 6:00 p.m. identifying the public hearing for a Conditional Use Permit request from Angela Stuecken. Roll Call was taken. Aldermen present were: Delbert Wieberg, Stanley Heckman, Jake Plassmeyer and Caitlin Berhorst. Also present for the public hearing were Planning and Zoning Commission members: Doug Massman, Matt Ryan, Sydney Drennen and Brooke Doerhoff. Others present were UD reporter-Theresa Brandt, Sewer Operator of Mid MO Operations-Aaron Lachowicz, Conditional Use Permit applicant-Angela Stuecken, and local residents: Mary Jane Massman, Randy and Denise Nilges, Suzie Dickneite, Tori Schneiders, Steve and Joleen Winkleman, Henry Winkleman, and Dennis and Julie Peterman.

Mayor Massman reviewed the process that would follow for the public hearing and regular board meeting portions. Massman continued noting that the public hearing portion of the meeting is a platform for citizens to voice any concerns or opinions on the conditional use permit topic. The City Council and Planning and Zoning Commission members will listen to all public comments. Gallery members were instructed that if they desired to offer any comments; to please state their names when addressing the boards and identify their relationship regarding the conditional use permit.

Alderman Stanley Heckman made a motion to open the Planning and Zoning public hearing. The motion was seconded by Alderman Jake Plassmeyer. Aldermen votes: Delbert Wieberg-yes, Stanley Heckman-yes, Jake Plassmeyer-yes and Caitlin Berhorst-yes.

Mayor Massman acknowledged that a conditional use permit application had been submitted by Angela Stuecken requesting the allowance of an owner unoccupied, naturopathic wellness center and retail business be permitted to operate in the residential space located at 152 East Main Street, Westphalia, MO, which is currently zoned as a R-1, residential district. It was noted that as per the planning and zoning code; a conditional use application could be considered for the nature of the proposed business as an allowance within a R-1 district. The permit application was noted to have been previously sent out to the Planning and Zoning Commission members for review and that this evening's portion was for a public hearing.

Mayor Massman opened the floor for public comment, inviting applicant Angela Stuecken to offer any further information and details if desired. Stuecken noted she had no further comments, but was available to answer any questions. Neighboring resident-Tori Schneiders questioned what the hours of operation would be and what a typical day would entail. Applicant Angela Stuecken answered noting the maximum time frame requested was from 7 a.m. to 7 p.m. Monday-Saturday, but is not planned to be consistently all encompassing of those hours, voicing she was advised to request the maximum schedule possibility up front, so addendum requests would not have to be submitted if she were to change her hours of operation. Stuecken also shared that she hosts virtual visits at times and clients may not even be present for the entire time frames requested. It was questioned by resident-Suzie Dickneite whether the home would be allowed to return to a residential property only, if Stuecken no longer desired to operate a business out of the location, or if she were to sell the property. Mayor Massman offered insight into a Planning and Zoning recommendation that has been formulated to be attached to the conditional use application to address that specific concern. Resident Steve Winkleman questioned how long the conditional use would remain in effect and if there were any future review periods, if the application were to be approved. Mayor Massman voiced that if the application is approved, that applications standardly remain active until the business is dissolved or upon sale of the property, adding

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that there are not further reconsiderations of the approved use, unless change requests are submitted by the applicant at a later time. Winkleman voiced he did not believe that the use should be for the life-time of the applicant, suggesting that there should be ongoing review periods, at least every 5 years or sooner to evaluate any hardships to neighboring properties. Mayor Massman noted that a re-review period had never been requested or previously stipulated for an application to her knowledge. Winkleman questioned both the Board of Aldermen and Planning and Zoning members, if these applications continue to be approved, will it not be difficult to distinguish a residential district from the commercial district, noting that several single-family residences in what have been residential areas only, are now being allowed to be converted into business properties. Winkleman noted he believed that property values will be compromised. Parking concerns were next discussed. Four off-street parking spaces were noted to be available at the rear of the building. Resident Tori Schneiders shared she would like to see the parking area remain chatted, instead of a more permanent surface, such as concrete. Signage for the business was questioned by Henry Winkleman. Regulations regarding signage were noted that they would be according to the requirements outlined by the planning and zoning code. Screening and fencing were next questioned by Winkleman. Applicant Stuecken voiced that there were no plans for screening or fencing between the adjoining property. Licensing requirements were questioned next by resident-Joleen Winkleman. Stuecken provided information regarding her education and level of certification. Products for sale were questioned by the Winklemans. THC sales and intravenous infusions will NOT be provided. Residents Tori Schneiders and Suzie Dickneite voiced approval for the proposed application. Henry Winkleman requested screening or fencing be required.

Aldermen and Planning and Zoning members discussed the suggested implementation of a review period for the permit. Mayor Massman noted that if both boards desired further considerations for this option, that it would be recommended that the discussions be tabled and the discussion be forwarded to legal counsel for recommendations. A decision regarding the application should not be rendered if this option was to be further considered.

No further public comments were offered. A motion was made by Alderman Jake Plassmeyer, seconded by Alderman Stanley Heckman to close the Planning and Zoning public hearing. Aldermen votes: Delbert Wieberg-yes, Stanley Heckman-yes, Jake Plassmeyer-yes and Caitlin Berhorst-yes.

It was then noted by Mayor Massman that the Planning and Zoning Commission members had previously met to discuss the conditional use permit application and had submitted recommendations or conditions they felt the Board of Aldermen should attach to the conditional use permit application if the Board of Aldermen were to approve it. Recommendations and Conditions prepared for the Westphalia Board of Aldermen by the Planning and Zoning Commission were read aloud by Commissioner Brooke Doerhoff.

Recommendations and Conditions prepared for the Westphalia Board of Aldermen are as follows:

1. That the establishment of the identified business plans for ONLY an owner unoccupied, naturopathic wellness center and retail business for sole clinician, and applicant-Angela Stuecken, is identified and accepted as a permitted business at the residential space located at 152 East Main Street, Westphalia, MO; which is currently zoned as a R-1, residential district;

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2. That it is noted that there are no plans for exterior modifications or additions being requested for the residence at present. If any exterior modifications or additions to the structure are desired in the future, that there is understanding that set back codes would be required to be adhered to, aside of ongoing repair and maintenance responsibilities for the existing structures;
3. That the proposed 4 off-street parking spaces are deemed reasonable and would be acceptable for consideration of the identified total client occupancy;
4. That the requirements as per the Planning and Zoning code, for a hard surface parking area (concrete or asphalt) would be preferred, but that a compacted chatted area would be recommended as being acceptable;
5. That it is recognized that the State of Missouri, at present, does not require licensing or registration for naturopathic clinicians. If at any time, the State of Missouri does implement such requirements to practice, that sole clinician, Angela Stuecken, will be required comply with all state licensing and registration requirements;
6. That an application for a city business license shall be completed and rendered by the City of Westphalia, prior to the initiation of business and retail sales, providing all required documents as applicable for the business are remitted alongside the licensing fee to the city clerk. Business licensing renewals each year shall only be granted if conditions of this conditional use permit remain in compliance.
7. That the conditional use permit shall remain in effect ONLY for the said applicant, Angela Stuecken, and only at the property location of 152 East Main Street, Westphalia, MO. Upon the sale of the property or transfer of ownership, the subject conditional use permit will become null and void.

Planning and Zoning Commission member-Matt Ryan voiced that he would additionally recommend to the Board of Aldermen, that if a re-review period were to be considered as another attachment, he would like it to be further negotiated under legal counsel support. Planning and Zoning members unanimously agreed with Ryan's recommendation and otherwise support their previously submitted recommendations/conditions be attached to the application with no further need for deliberation or adjustments. The Planning and Zoning Commission recommended the acceptance and approval, with the above attached conditions, for the submitted conditional use permit application requesting the allowance of an owner unoccupied, naturopathic wellness center and retail business be permitted to operate in the residential space located at 152 East Main Street, Westphalia, MO, which is currently zoned as a R-1, residential district.

A motion was made by Alderman Delbert Wieberg to adjourn the Planning and Zoning Commission-public hearing and recommendation portion and proceed into the regular Board of Alderman meeting. The motion was seconded by Alderman Caitlin Berhorst. Aldermen votes: Delbert Wieberg-yes, Stanley Heckman-yes, Jake Plassmeyer-yes and Caitlin Berhorst-yes. Planning and Zoning

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Commissioner votes: Doug Massman-yes, Sydney Drennen-yes, Matt Ryan-yes, and Brooke Doerhoff-yes.

Mayor Massman thanked all those present in the gallery for their participation and the Planning and Zoning Commission members for their attendance, recommendations, and continued support. Mayor Massman voiced plans to next proceed with the regularly scheduled monthly city council meeting.