MINUTES
PLANNING COMMISSION
March 28, 2019
7:00 P.M. – COUNCIL CHAMBER

Name | Members’ Term Attendance (mtgs attended-mtgs absent) | End of Current Term of Office
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MEMBERS PRESENT: Ben Burtnett (10-02) 02/12/23
Reba Hebert (36-06) 01/29/22
Donna Jean Boyer (13-00) 07/22/23
Lauren Catron (13-07) 07/17/22
Brandon Tritten (43-10) 08/04/19
Jeff Penland (40-13) 07/07/19
Bob Bucher (12-02) 06/15/23
MEMBERS ABSENT: Phillip Vaughn (15-07) 08/05/23
Ted Hauser (34-13) 12/14/19
STAFF PRESENT: Nic Hutchison, City Planner
Amber Lattin, Assistant City Planner
Clint Thompson, Director
Bryan Carter, City Attorney
Ted Elo, Assistant City Attorney
Reed Schwartzkopf, City Engineer
Rebecca Shipp, Executive Administrative Assistant

Call to Order – Hebert called the meeting to order at 7:00 pm.


Hebert admitted certified copies of Chapters 11, 26 and 31 of the Code of Ordinances into evidence.

Hebert read the rules of conduct.

Postponements/adjustments to the agenda –

Hutchison stated item #2 has an update to the plat. A 5’ pedestrian easement has been added along Belt highway. Handout was provided to commission members.
Hutchison stated a comment form regarding item #4 was received after the agenda packet was sent out. A copy was provided to commission members. The applicant has modified the zoning request. A copy of the letter received was provided to commission members.

Hutchison recommended moving item #2 to item #1 in the interest of time.

Penland made a motion to move item #2 to be heard first. Tritten seconded

**VOTE:** Tritten – yes, Penland – yes, Catron – yes, Burtnett-yes, Bucher-yes, Hebert –yes, Boyer-yes.
Ayes – 7, Nays – 0, Abstain-0  Motion approved.

**Minutes of the Meeting, January 24, 2019** –

Boyer made a motion to approve the minutes. Catron seconded.

**VOTE:** Tritten – yes, Penland – yes, Catron – yes, Burtnett-yes, Bucher-abstain, Hebert –yes, Boyer-yes.
Ayes – 6, Nays – 0, Abstain-1  Minutes approved.

**New Business**-

**ITEM #2**  Minor Subdivision – A request for approval of a minor commercial subdivision entitled Lot 1, Tommy’s Car Wash, located at 102 N Belt, as requested by Charlotte Eichenberg.
Minor subdivisions are approved or denied by the Planning Commission
Staff recommendation: approval

Hutchison gave the staff report. The applicant has added a 5’ easement along the east side of the property to allow for a sidewalk to be constructed.

Andy Gabbert-5015 NW Canal Street, Riverside, MO, on behalf of applicant Renaissance Infrastructure Consulting. Spoke in favor of the item.

No one spoke in opposition.

Boyer asked Hutchison for landmarks on the map so she could picture the location.

Hutchison stated HyVee was on the right side of the map provided and Belt Bowl was on the left.

Penland made a motion to call for a vote. Catron seconded.
Ayes – 6, Nays – 0, Abstain-1  Motion approved.

ITEM #1  Zoning District Change – A request for approval of a change of zoning from R-2, Two Family Residential District to RP-4, Planned Apartment Residential District for the property located at 1703 S 12th Street as requested by Stacy Kerns.
Zoning District Changes move on to City Council
Staff recommendation: approval

Tritten stated he had a conflict of interest and would recuse himself. Tritten was seated in the audience for this item.

Hutchison gave the staff report. One comment form against the item was received. Hutchison also stated he received one phone call from a citizen seeking additional information.

Hebert asked Hutchison if the zoning was typical for this type of facility

Hutchison responded because of the proximity to the school staff wanted to make sure there were protections in place for existing land use.

Penland asked for clarification

Hebert stated she thought it was unique to be requesting RP-4residential care facilities

Penland asked Hutchison if RP-4 was appropriate for this situation

Hutchison responded correct

Burtnett asked if the facility would have someone living there permanently

Hutchison responded it would be staffed 24hrs

Stacy Kerns-7355 County Rd 422, Savannah, MO, applicant. Spoke in favor of the item.

Burtnett asked if kids would be allowed at this facility.

Kerns responded no

Boyer asked if Kerns had reached out to neighbors in the area and encouraged Kerns to do so

Rosalind Clay-no address stated, spoke in favor of the item

Angela Guss – no address stated, spoke in favor of the item
Barbara Lauritzen – no address stated, spoke in favor of the item

No one spoke in opposition

There was no discussion among the commissioners

Boyer made a motion to approve the item. Penland seconded

Ayes – 6, Nays – 0, Abstain-0  Motion approved.

ITEM #3  Amendments to Chapter 31 of the Municipal Code – Amendment to Sections 31-010 Definitions, 31-029 C-1 Neighborhood Shopping District, and 31-034 M-1 Light Manufacturing District and enacting a new Section 31-012 Medical Marijuana Facilities all in Chapter 31 of the City Code of Ordinances to provide land use regulations related to the cultivation, dispensing and testing of medical marijuana.

Ordinance amendments move on to City Council
Staff recommendation: approval

Hutchison gave the staff report.

Penland asked Hutchison where the footage requirement comes from.

Hutchison stated the State DHSS has provided maximum footage regulations of 1000’. The staff is proposing 300’ maximum footage, 500’ separation, and other regulations to provide protection.

Boyer clarified this item is not dealing with any particular business this item is only to add language to the City Code

Hutchison responded correct

Boyer asked what the footage requirement was for a liquor facility in relation to a school

Hutchison responded 300’

Penland asked if the item were passed what would the process be for adhering to it

Hutchison responded a business license would be required, comply with all zoning regulations. Should they be in violation the city would have the ability to take action to remediate the situation through a zoning district change or variance request

Hebert stated it would still have to come before the planning commission
Hutchison stated correct.

Penland stated it was his understanding on the amendment which was passed by over 2/3 of state voters that it will eventually include permits for home plants, permits for caregivers etc. Is that address in this ordinance

Hutchison stated it would be addressed in the future

Hebert asked for a future work session for commissioners to address on-going concerns and recommendations

Hutchison clarified what is being presented is strictly for neighborhood shopping districts and M-1 districts

Tim Harms-no address stated, representative of Green Orchard Pharmacy, asked Commission if there could be language added regarding a processing license

Miguel Minnenhall-no address stated, representative of 20 after 4, spoke in favor of the item. Minnenhall asked how the footage would be measured

Hutchison responded for the 500’ measurement it will be property line to property line. For the 100’ measurement it will be from the main entrance of the facility or employee entrance to the property line of the adjacent residential district.

Minnenhall asked about location of differently defined facilities

Discussion was held among commissioners to add additional language to Section 31-012 subsection C to avoid potentially having a row of the same facilities in concentrated area.

John Spencer -702 Felix. Spoke in favor of the item.

Hutchison addressed the suggestion raised by Harms regarding processing license language. Hutchison stated there is already processing language in the proposed amendment found in Section 31-010 (73-75).

Andrew Hicks-1224 Powell, asked about job creation

Hutchison responded the item being discussed was for code amendment not a specific facility operation.

Virginia Weigum, 5113 Mockingbird Lane, spoke in opposition

Rhonda Ryan-no address stated, asked how footage requirements were determined

Gary Jorgensen-1306 S 24th, spoke in opposition to item #4
Boyer responded the item being discussed in with regard to the Code of Ordinances not to any one specific facility.

Hebert clarified the Commission is beginning to receive applications and currently there are no regulations in the Code of Ordinance addressing medical marijuana. This item gives the Planning Commission something to base approval or denials on.

Jim Weidinger-4614 Iris, spoke in opposition of the item

Steven Holdenreid – 2125 S 11th Street, spoke in opposition to the item

Darin Pollard – 4100 N 29th, spoke in opposition to the item

Hebert reminded all in attendance the item being discussed was an amendment to the code not a debate on medical marijuana.

William Hedge- 4914 Woodfield Drive, spoke in opposition to the item

Robin Hammond-5223 Mitchell, spoke in opposition to the item

Hutchison stated at the time Amendment 2 was voted on in the State, DHSS had not formulated the 1000’ stipulation only that access had to be provided to medical marijuana by jurisdictions and municipalities. DHSS later established the 1000’ maximum footage.

Sharon Kosek-2 Wishbone, spoke in opposition to the item

There was discussion among the commissioners and staff regarding footage language.

Penland requested the item be reopened for public comment regarding footage requirement.

Hutchison stated language changes would also need to be discussed for 31-012(c)

Hebert reopened the item for public comment in support of maintaining the 300’ requirement

Brian Myers-15th & Angelique, spoke in support of 300’

Andrew Hicks-1224 Powell, stated A in ATF stood for alcohol

John Spencer-702 Felix, spoke in favor of 300’

Penland made a motion to add “like license” to 31-012(c)

Shipp stated the amended language to be voted upon “31-012(c) No medical marijuana facilities may be operated or maintained within 500 feet of another medical marijuana facility with a like license except when medical marijuana sales represent less than 5% of the dollar
volume of business in a state or federally licensed pharmacy or when the medical marijuana facilities share the same ownership.”

Penland made a motion to approve the language as read by Shipp. Boyer seconded

**VOTE: Tritten - yes, Penland - yes, Catron - yes, Burtnett-no, Bucher-yes, Hebert -yes, Boyer-yes.**
Ayes - 6, Nays - 1, Abstain-0  Motion approved.

Penland made a motion to approve the item with the amended language. Tritten seconded

**VOTE: Tritten - yes, Penland - yes, Catron - no, Burtnett-no, Bucher-yes, Hebert -yes, Boyer-yes.**
Ayes - 5, Nays - 2, Abstain-0  Motion approved.

**ITEM #4  Zoning District Change** – A request for approval of a change of zoning from C-1, Commercial District to M-1, Light Manufacturing District for the property located at 2300 Mitchell Avenue as requested by John Spencer on behalf of Western Alternative LLC.
Zoning District Changes move on to City Council
Staff recommendation: approval

Hutchison gave the staff report. Hutchison stated there has been an amendment to the request. The applicant would like to have the front portion remain C-1 in order for future retail store opportunity and rezoning the back portion to M-1. A copy of the letter requesting the amendment, map and legal description have been provided to each commissioner. One comment letter was received after the information packet was distributed. A copy of the comment letter has been provided to each commissioner.

Penland asked for clarification on which area would remain C-1.

Hebert and Hutchison directed Penland to the map in the handouts.

John Spencer-702 Felix, on behalf of applicant Western Alternatives LLC, spoke in favor of the item. Spencer also provided a map drawing to commissioners.

Elo stated for a point of clarification this is a proposed lot which would be allowed to be done at the staff level because the property has already been platted.

Hutchison stated it is called Halls Addition

Discussion was held between commissioners, staff and applicant on regulations regarding cultivation
Brian Myers-507 S 15th, spoke in favor of the item

Josh Wilson-2901 Sherman Avenue, spoke in favor of the item

Hebert reminded all in attendance the item being discussed is a request for rezoning

Lonnie Bass-no address stated, spoke in favor of the item

Andrew Hicks-1224 Powell, spoke in favor of the item

Sherry Deatherage-1902 Mitchell, spoke in favor of the item

Joyce Starr-1604 S 22nd, spoke in opposition of the item

Hebert listed the types of business able to operate in an M-1 district-office supplies, bakeries, equipment sales etc. Hebert cautioned against thinking of smokestacks and heavy manufacturing in an M-1 district.

Steven Holdenreid – 2125 S 11th Street, spoke in opposition to the item

Virginia Weigum, 5113 Mockingbird Lane, spoke in opposition to the item

Jim Weidinger-4614 Iris, spoke in opposition of the item

Sara Morgan-no address stated, asked in the facility would impact area utilities

Hutchison responded it would not adversely affect utilities

William Hedge- 4914 Woodfield Drive, spoke in opposition to the item

Gary Jorgensen-1306 S 24th, spoke in opposition to the item

Rhonda Ryan-3421 Mitchell, spoke in opposition to the item

Andrew Hicks-1224 Powell, addressing city staff asked if anyone who had a medical marijuana card would be able to grow plants in their backyard

Hebert responded yes but that's not what is being discussed

Sherry Deatherage-1902 Mitchell, spoke in favor of the item

Hebert asked Spencer to address traffic and emission concerns
Spencer stated the traffic would be an extreme minimum and certainly not anywhere near the levels of traffic the location saw when it was operating as a grocery store. Spencer stated there would be no odor whatsoever and is highly regulated industry.

Penland asked Spencer if he knew an estimate of the annual tax generation

Spencer responded taxes would start with use tax, employee spending, property tax and continue on. The facility is a $4million investment

Penland made a motion to approve the amended application for rezoning. Bucher seconded.

**VOTE:** Tritten – yes, Penland – yes, Catron – yes, Burtnett-yes, Bucher-yes, Hebert-yes, Boyer-yes.
Ayes – 7, Nays – 0, Abstain-0  Motion approved.

Hutchison gave a preview of next month’s meeting

The meeting adjourned at 10:09pm.

Minutes respectfully submitted,

Rebecca Shipp

cc:  Paula Heyde, City Clerk  
     Planning Commission Members  
     J. Bruce Woody, City Manager  
     Clint Thompson, Planning & CD Director  
     Ted Elo, Assistant City Attorney  
     Brady McKinley, Civil Engineer  
     Mark Townsend, Technology Associate Director