

**Planning and Zoning Commission**  
July 9<sup>th</sup>, 2019

At 6:05 p.m. Chairman Cooper called the meeting to order under provisions of Chapter 400 of City Code and Chapter 89 Revised Statutes of Missouri.

**Roll Call**

|              |         |
|--------------|---------|
| John Cooper  | Present |
| James Cross  | Absent  |
| Gary Kramer  | Present |
| Alan Mastin  | Present |
| David Jones  | Present |
| Larry Heiner | Present |
| Tony Wessler | Present |

Also present were Dan King, Robert Schaffer and Toni Earl representing City staff.

**Minutes**

Minutes from the June 11<sup>th</sup>, 2019, meeting were presented for approval. Commissioner Wessler made a motion, seconded by Commissioner Heiner, to approve the minutes as presented. Motion carried unanimously.

Minutes from the June 25<sup>th</sup>, 2019, meeting were presented for approval. Commissioner Wessler made a motion, seconded by Commissioner Mastin, to approve the minutes as presented. Motion carried unanimously.

**Public Hearings**

**Second Street Re-zoning Request**

At 6:07 p.m. Chairman Cooper opened the public hearing for the rezoning request for Second Street.

Joseph V. Thurmond, 434 Pine Street, is requesting the zoning for the property located on Second Street, parcel numbers 35-4-17.0-1-011-107.100 & 01-40-17-1-06-002-000, be changed from C-2 to R-1 zoning.

With no citizen input, Commissioner Jones made a motion to close the public hearing at 6:08 p.m. Motion seconded by Commissioner Mastin and carried unanimously.

**366 West Springfield Re-zoning Request**

At 6:08 p.m. Chairman Cooper opened the public hearing for the rezoning request at 366 W Springfield.

Marty Marler, representing Marler Properties LLC, is requesting the zoning for the property located at 366

W Springfield, be changed from C-3 to C-4 zoning.

With no citizen input, Commissioner Jones made a motion to close the public hearing at 6:10 p.m. Motion seconded by Commissioner Mastin and carried unanimously.

**Subdivision Review**

TAS Investments LLC (Shannon & Julie Johanning) is requesting a resubdivision of "Tessa Park Plat 8" subdivision located in Tessa Parks Subdivision. The resubdivision would combine lots 52 & 53 and adjust the common lot line between lots 48 & 49. The property is currently zoned R-2. Commissioner Jones made a motion to recommend approval of this plat to the Board of Aldermen, seconded by Commissioner Heiner. Motion carried unanimously.

**New Business**

**Second Street Re-zoning Request**

Commissioner Jones made a motion to recommend approval of the rezoning request located on Second Street, parcel numbers 35-4-17.0-1-011-107.100 & 01-40-17-1-06-002-000 from C-2 to R-1 zoning. Motion seconded by Commissioner Wessler and carried unanimously.

**366 West Springfield Re-zoning Request**

Mr. Marler was present at the meeting and answered questions from the Commission. Mr. Marler advised he is seeking re-zoning to offer more opportunity to develop the lot. After brief discussion, Commissioner Mastin made a motion to recommend approval of the rezoning request located at 366 West Springfield from C-3 to C-4 zoning. Motion seconded by Commissioner Heiner and carried unanimously.

**Old Business**

Planning and Zoning was asked to make a recommendation to the City Council to add new designations to the Permissible Use Table, Section 400.530, to identify allowable zoning, for medical marijuana cultivation facilities, medical marijuana dispensary facilities, medical marijuana-infused products manufacturing facilities and medical marijuana testing facilities. The Planning & Zoning Commission will also consider making recommendations to the City Council to change the existing Unified Land Use Regulation definition of a child day-care facilities to match the State of

Missouri definition and to consider recommending a minimum distance from an existing elementary or secondary school, child day-care center or a church to a medical marijuana cultivation facility, medical marijuana testing facility, medical marijuana infusion facility or a medical marijuana dispensary facility.

The Commission voted on five bullet points individually. After a lengthy discussion, the following action was taken.

- Allow Medical Marijuana Cultivation Facilities to be within the M-1 zoning district with a conditional use permit. Permissible Use Table 25.000 Commercial greenhouse and horticultural operations, new use #25.300

Commissioner Heiner made a motion recommending the above change to the Board of Aldermen, seconded by Commissioner Mastin. Motion carried with one nay vote.

- Allow Medical Marijuana Dispensary Facilities to be within the C-4 zoning district with a conditional use permit. Permissible Use Table 2.000 Sales and rental of goods, merchandise and equipment. New use # 2.300

Commissioner Wessler made a motion recommending the above change to the Board of Aldermen, seconded by Commissioner Heiner. Motion carried with one nay vote.

- Allow Medical Marijuana-Infused Products Manufacturing Facilities to be within the M-1 zoning district with a conditional use permit. Permissible Use Table 4.000 Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise and equipment. New use # 4.300.

Commissioner Wessler made a motion recommending the above change to the Board of Aldermen, seconded by Commissioner Kramer. Motion carried with one nay vote.

- Allow Medical Marijuana Testing Facilities to be located within the M-1 zoned district with a conditional use permit. Permissible

Use Table 4.000 Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise and equipment. New use # 4.400

Commissioner Wessler made a motion recommending the above change to the Board of Aldermen, seconded by Commissioner Heiner. Motion carried with one nay vote.

- Allow a 1,000 ft buffer from an existing elementary or secondary school, child day-care center or a church. The 1,000 ft buffer will be measured per the regulations of the Department of Health and Senior Services.

Commissioner Kramer made a motion recommending the above change to the Board of Aldermen, seconded by Commissioner Wessler. Motion failed with three ayes and three nays.

Further discussion was held on the buffer zones:

Allow a 0 ft buffer from an existing elementary or secondary school, child day-care center or a church. The 0 ft buffer will be measured per the regulations of the Department of Health and Senior Services.

Commissioner Wessler made a motion recommending the above change to the Board of Aldermen, seconded by Commissioner Mastin. Motion failed with two ayes and four nays.

Allow a 300 ft buffer from an existing elementary or secondary school, child day-care center or a church. The 300 ft buffer will be measured per the regulations of the Department of Health and Senior Services.

Commissioner Mastin made a motion recommending the above change to the Board of Aldermen, seconded by Commissioner Heiner. Motion failed with three ayes and three nays.

### **Adjournment**

With no further questions or comments, Commissioner Heiner made a motion, seconded by Commissioner Jones to adjourn. The motion carried unanimously. At 6:54 p.m. the meeting was adjourned.