

**MINUTES
PLANNING AND ZONING COMMISSION
REGULAR MEETING
MAY 13, 2019
4:00 P.M.**

The Planning and Zoning Commission met in regular session on Monday, May 13, 2019. Present are Commission members Peter Ramsour, Seth Dermott, Wendy Brueckner-Sears, Debra Koelkebeck, Janice Steele, Rodney McCullough and Kent Eastman. Troy Bolander, Director, and Lindsay Dunn represented the Planning, Development, and Neighborhood Services Department.

1. Roll Call:

Ms. Dunn called the roll.

2. Approval of March 11, 2019 Minutes:

MRS. STEELE MOVED, SECONDED BY MR. DERMOTT, TO APPROVE THE MARCH 11, 2019 MINUTES. MOTION CARRIED, WITH MR. RAMSOUR, MR. DERMOTT, MRS. BRUECKNER-SEARS, MRS. KOELKEBECK, MRS. STEELE, MR. MCCULLOUGH, AND MR. EASTMAN VOTING "AYE". (7 IN FAVOR, 0 NAYS).

4. Public Hearing:

Mr. Ramsour proceeded to read the Public Hearing Procedures to all those in the audience.

Case 015-19: 1506 and 1510 S. Pearl Avenue – A request to rezone from Single-Family Residential (R-1) District to Apartment House (R-3) District for the construction of apartments – God's Resort

Mr. Jay Sinclair, representing God's Resort located 1501 S. Pearl, Joplin, MO. God's Resort is a transitional housing ministry in the heart of Joplin. We are known on the streets. eleven (11) years ago when we began there, that area was known as the last resort. It was the heart of a lot of bad things. We have improved the area and now have 30 homes and apartments that we use as a tool to help people who are relationally and economically stuck. We have built a wonderful community in that neighborhood and in the process change the face of the neighborhood. We look forward to more development in that area, not just economically, but socially and the spirit of the Community.

Mr. Ramsour asked if there were any questions from the Commissioners?

Mr. Eastman asked if there was a floor plan?

Mr. Sinclair stated that we have built two (2) five plexus and we propose to build the same floor plan which has been approved by the City in the past.

Mr. Eastman asked if they were two story or just one story?

Mr. Sinclair stated that they are single story buildings. The front apartment is a two-bedroom home and the four apartments behind it are one-bedroom homes. The rent is considerably lower which is to help with the transition and a stability plan has to be made. Most people are behind on their utilities and this lets them catch up on the utilities so eventually they will be able to rent a place on their own or even buy a home on their own.

Mr. Dermott stated that on the application form that north of the property is zone R-3. Does it go to the corner?

Mr. Sinclair stated that the corner lot is a privately-owned home. Just the two in the middle.

Mr. Ramsour asked if there were any other questions from the commissioners? There was not. Also, asked if there was anyone that would like to speak in favor of this case? There was not. Anyone that would like to speak against this case? There was not.

MRS. KOELKEBECK MOVED, SECONDED BY MR. EASTMAN, TO APPROVE CASE 015-19 AND BE FORWARDED TO THE CITY COUNCIL WITH THE RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MR. DERMOTT, MRS. BRUECKNER-SEARS, MRS. KOELKEBECK, MRS. STEELE, MR. MCCULLOUGH, AND MR. EASTMAN VOTING "AYE". (7 IN FAVOR, 0 NAYS).

Case 016-19: Located approximately 500 feet west of the property addressed as 2902 N. St. Louis Avenue - A request to rezone from Single-Family Residential (R-1) District to Two-Family Residential (R-2) District for the construction of a duplex – David & Sarah Harrell.

David Harrell, 111 Gum Rd., Carl Junction, MO. Mr. Harrell stated he purchased this property approximately two (2) months ago and wanting to build a home with a mother-in-law apartment on the side to be able to take care of my Grandmother or mine or my wife's Mother when they reach a point when they need to have additional assistance. It won't be a traditional duplex where it is the same on both sides it will be a small apartment.

Mr. Ramsour asked the Commissioners if they had any questions for Mr. Harrell? Mr. Ramsour stated he noticed a for sale sign on the street and does that have to do with your property?

Mr. Harrell stated it did not.

Mrs. Steele wanted to know if the access to the property is off Zora.

Mr. Harrell stated it was.

Mr. Ramsour asked if there was anyone that would like to speak in favor of this case? There was not. Is there anyone to speak against this case? There was not.

MR. DERMOTT MOVED, SECONDED BY MR. EASTMAN, TO APPROVE CASE 016-19 AND BE FORWARDED TO THE CITY COUNCIL WITH THE RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MR. DERMOTT, MRS. BRUECKNER-SEARS, MRS. KOELKEBECK, MRS. STEELE, MR. MCCULLOUGH, AND MR. EASTMAN VOTING "AYE". (7 IN FAVOR, 0 NAYS).

Case 017-19: Joplin Zoning Regulations Text Amendment – A request to review a text amendment to the City of Joplin’s zoning regulations that addresses the time, place and manner for the legal production, distribution, sale and purchase of medical marijuana as approved by Missouri voters on November 6, 2018 – City of Joplin.

Troy Bolander, 602 S. Main, Joplin, MO, Director of Planning & Development. There is a council bill that has been given to you that was prepared by our Legal Department. As you are aware the voters of Missouri voted to amend the Missouri Constitution to establish the right to access medical marijuana which allows legal production, distribution, sale and purchase as a medical use. The State Department that is handling a lot of these regulations is Missouri Department of Health and Senior Services. The last we heard was finalization of their rules will be around June 4th. We will not prohibit this kind of use since it was voted on by Missouri voters. You have to allow it; no community can prohibit it. We tried to deliver a Council Bill that protects the health, safety, and well fare of our Community, while still allowing this type of use. Some of the highlights of the Council Bill that will actually go to City Council on May 20, 2019. It is on a different time line than the other request you have heard today. There are four (4) identified uses in this council bill.

1. Medical Marijuana Cultivation Facility - means a facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana.
2. Medical Marijuana Dispensary Facility - a facility licensed by the State of Missouri to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana.
3. Medical Marijuana Infused Products Manufacturing Facility - a facility licensed by the State of Missouri to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility.
4. Medical Marijuana Testing Facility - facility certified by the State of Missouri to acquire, test, certify, and transport marijuana.

Since we have to allow this type of business we have to update our zoning code. What you see before you are the categories that we recommend these uses fall under. Section 3; Use Standards of the Code, in the Agricultural District, we would allow medical marijuana cultivation facility, in the Central Business District, C-2 and C-3, we would allow medical marijuana dispensaries and the testing facilities. In the M-2, Heavy Industrial District it would allow the cultivation facility and fused product manufacturing facility. There are use standards that we are recommending be placed in the zoning code, such as buffering requirements, all should be at least 1,000 feet of an existing elementary school, secondary school, license day care center or church. That follows state requirements word for word. The out-door operations and storage are prohibited, must be inside and secured, on site usage is prohibited. The hours of operations will be limited to 8:00am to 10:00 pm. We have found out that ventilation is a concern. The new facilities for this use will have to have ventilation.

Mr. Ramsour asked if there are any questions from the commissioners? Will each of these facilities necessarily have to be rezoned for their use if it is not currently zoned?

Mr. Bolander stated that the property would have to be rezoned or go into an existing district.

Mrs. Steele wanted to know if it is medical marijuana why can it not be consumed on sight?

Mr. Bolander stated that he thinks that some is through a smoking method by a device and that maybe the reason.

Mr. Ramsour asked if there were any other questions from the commission? He asked if there was anyone else who would like to speak in favor of this case?

Mr. Paul Calicoat, 3946 5 Mile Rd, Seneca, MO. He had two comments and he speak highly in favor of this case. He stated that the reason it can not be consumed in public because it's federally illegal to do that and all the constitutional change did was allow for those three items. The oder mitigation in a dispensary or retail shop is really not needed and the reason its not the marijuana will be in closed containers as it comes to the retail. Oder mitigation is clearly a problem for cultivation and extraction because you have the raw plant available. Once transporting to dispensary, it is a closed container.

Mr. Ramsour wanted to know how that would be handled.

Mr. Bolander stated that the section on ventilation required it doesn't say what kind of ventilation to use. The purpose of it is that no oder shall be detected by person with normal sense of smell outside the boundary of the facility. If you can't smell it outside the boundary then it doesn't apply.

Gilbert Roland, 901 Pennsylvania, Joplin, MO. In regard to the building and location in our downtown area. A statement was made about the residential over about those. What is the reasoning behind that?

Mr. Bolander stated that some of the nuisance that could apply to that type of facility. The oder again. It states to be contained in the building if go to the upstairs where the residence is that could cause some problems.

Mr. Ramsour asked if there was anyone else to speak in favor of this case? There was not. There was no one to speak in opposition of this case.

MRS. BRUCKNER-SEARS MOVED, SECONDED BY MR. DERMOTT, TO APPROVE CASE 017-19 AND BE FORWARDED TO THE CITY COUNCIL WITH THE RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MR. DERMOTT, MRS. BRUECKNER-SEARS, MRS. KOELKEBECK, MRS. STEELE, MR. MCCULLOUGH, AND MR. EASTMAN VOTING "AYE". (7 IN FAVOR, 0 NAYS).

5. Old Business: None.

6. New Business: None.

Other Business

Mr. Bolander advised the Planning and Zoning Commissioners of the upcoming Commission Elections. Mr. Ramsour asked if there is anything else to come before this commission? There being

no further business to come before the Planning and Zoning Commission, the meeting stood adjourned at 4:45 p.m.

Approved *Peter Ramsour*
Peter Ramsour, Vice Chairman

Approved *Lindsay Dunn*
Lindsay Dunn, Secretary