



PLANNING & ZONING COMMISSION

MEETING DATE: MAY 28, 2019
LOCATION: COUNCIL CHAMBERS 9119 LACKLAND ROAD OVERLAND MO 63114
CALL TO ORDER: 6:00 PM
ADJOURNMENT: 6:39 PM
NEXT P&Z MEETING: TUESDAY, JUNE 25, 2019 @ 6:00PM COUNCIL CHAMBERS
COUNCIL MEETING: MONDAY, 10, 2019 @ 7:00PM

ROLL CALL

NAME:	PRESENT:	ABSENT:
WILLIAM HARDRICK	X	
STEVE OLSEN	X	
MARK GIROUX		X
JIM WADE	X	
MAYOR MIKE SCHNEIDER	X	
BETH RUCKMAN, CHAIRMAN	X	
SPECIAL COUNCIL, NEWTON MCCOY	X	
COUNCILMAN LES DILLS	X	
AUSTIN DESAIN		X
KEN CROWDER	X	
PATRICK WROBLEWSKI	X	
KIRBY BARNARD, COMMUNITY DEVELOPMENT	X	
KADI SANDERS, ZONING COORDINATOR		EXCUSED

PLEDGE OF ALLEGIANCE

REMEMBRANCE OF SERVICE MEMBERS

APPROVAL OF MINUTES:

Ken Crowder made a motion to approve the minutes as presented from the April 30, 2019, Planning and Zoning meeting. Mayor Schneider seconded the motion. Motion carried.

PUBLIC HEARING:

10082 PAGE AVE – PIZZA HUT #4934 – CONDITIONAL USE PERMIT/SITE PLAN REVIEW

Penny Goldecker addressed the Commission on behalf of Pizza Hut to request approval of the site plan and conditional use permit to operate a carry out and delivery service restaurant.

Kirby Barnard, Director of Community Development explained to the Commission this is a relocation of the store currently located near Page and Ashby. The new location will be a complete remodel of the building and will provide carry out and delivery service only.

Newton McCoy, Special Counsel stated this site has been reviewed numerous times in the past. There are no new concerns or comments, but it should be mentioned this site will not have drive thru service; the hours of operation are 11am to 11pm, seven days a week.

There was discussion regarding parking and Mr. Barnard commented there is a variance on file relating to insufficient parking.

There were no comments from the audience.

William Hardrick made a motion to approve the conditional use permit with stipulated conditions. Jim Wade seconded the motion. Motion carried.

Steve Olsen made a motion to approve the site plan as presented. William Hardrick seconded the motion. Motion carried.

9570 PAGE AVE – COBRA WHEELS – CONDITIONAL USE PERMIT/SITE PLAN REVIEW

Juan Rangel addressed the Commission to request approval of the site plan and conditional use permit to operate an automotive repair facility.

Chairwoman Ruckman asked the applicant what the days of operation will be as they were not indicated on the letter of intent and Mr. Rangel responded Monday through Saturday.

There was discussion relating to hours of operation, number of employees, outside storage is prohibited, sale of vehicles is prohibited, and derelict vehicles are prohibited.

Kirby Barnard, Director of Community Development gave a brief history of the location and explained the building was design built for auto repair.

Newton McCoy, Special Counsel stated he doesn't have any specific comments about this applicant. This location was granted a use variance by the Board of Adjustment, which from counsels point of view and city attorney's point of view; this is not an appropriate action to take. Variances are given from performance standards and rules. We don't give variances for uses, because that is the prerogative of the City Council to amend the code to allow different uses, but what is done is done.

There were no comments from the audience.

Ken Crowder made a motion to approve the conditional use permit with stipulated conditions. Councilman Les Dills seconded the motion. Motion carried.

Steve Olsen made a motion to approve the site plan as presented. William Hardrick seconded the motion. Motion carried.

RESOLUTION OF INTENTION – ZONING RELATED TO MEDICAL MARIJUANA FACILITIES

Special Counsel, Newton McCoy explained the resolution is to initiate amendment of the zoning code to regulate medical marijuana businesses. The voters of the State of Missouri voted to amend the State Constitution to allow medical marijuana in Missouri. We are just now beginning the application cycle. The State is only now starting to issue the rules that will be applicable, but as is typical, there is a little hurry up in it. The State applications are required to be submitted by August 3, 2019 and one of the requirements for applicants is to be able to state the zoning code for the location will be permitted, conditionally or permissibly, for this type of use. If the Commission approves the Resolution then Planning and Zoning will hold a public hearing in June and PZ will advance the proposal to City Council for the July council meeting in order to meet the August deadline.

Special Counsel explained to the Commission there is a principal of zoning law that basically says that if a use is licensed and authorized by state law that you cannot completely prohibit it. In the past we dodged this by saying uses such as that can occur only in the “M-1” district; however the State has anticipated this. If we try to rely on this dodge it is unlikely to succeed, and we would likely end up in a situation that medical marijuana facilities could be, from a zoning stand point, located lawfully anywhere in the city. So regulation gives us the opportunity to try and control the location and some of the details of these facilities.

Special Counsel went over the descriptions of the types of facilities and the proposed zoning district for each facility respectively and explained all of the uses would be a conditional use and we recommend, going along with State regulations, they submit a detailed odor control plan, a controlled and specific security plan, located no closer than 1,000 feet of churches, schools, daycares. There are a couple of revisions that still need to be changed after review of the draft, for example, location of transportation facilities.

Mayor Schneider asked if the Commission is to take any action this evening and Special Counsel responded to the affirmative, explaining only for the Resolution of Intention. At the June Planning meeting we will have a public hearing to make a decision to adopt the proposed ordinance or amend the proposed ordinance.

There was discussion regarding “C-1” Neighborhood Commercial zoning district being considered or not being considered as possible locations, that there are a limited number of the different types of facilities being allowed within the State of Missouri, licensing and fees, inspections, the difference between CBD oil and marijuana, what types of product would be for sale in these type of establishments, and distances between this type of establishment and churches, daycares, and schools.

William Hardrick made a motion to approve the resolution of intention relating to the zoning of qualified medical marijuana facilities. Jim Wade seconded the motion. Motion carried.

NEW BUSINESS/OLD BUSINESS:

Jim Wade complimented the public works department for a job well done.

ADJOURNMENT:

Ken Crowder made a motion to adjourn. Jim Wade seconded the motion. Motion carried.

Respectfully submitted,

Beth Ruckman, Chairwoman
Planning and Zoning