

PLANNING AND ZONING COMMISSION

May 13, 2019

The Planning and Zoning Commission, City of Kearney, Missouri, met in regular session at 6:30 P.M., May 13, 2019 at Kearney City Hall with Kathy Barger opening the meeting. Other members present were Chuck Davis, Eric Shumate, Darren Hiley, Kyle Creeden and Doyle Riley. Kent Porter was absent. Staff members present were David Pavlich, and Shirley Zimmerman.

Kathy Barger opened the meeting with the Pledge of Allegiance.

VACANCY CREATED BY ELECTION David Pavlich, Community Development Director, announced that following the April election, Kathy Barger was elected to the Board of Aldermen and she will now become the Board of Aldermen liaison person to the Planning and Zoning Commission. Eric Shumate will fill the vacant spot created by Kathy Barger become Board of Aldermen liaison.

OATH OF OFFICE Shirley Zimmerman administrated the Oath of Office to Eric Shumate who will fill the vacancy spot created by Kathy Barger being elected to Board of Aldermen.

ELECTION OF CHAIRPERSON AND SECRETARY

Chairperson: A motion was made by Eric Shumate and seconded by Doyle Riley to nominate Darren Hiley as Chairperson. The motion carried unanimously.

Darren Hiley assumed the role as Chairperson at this time.

Secretary: A motion was made by Chuck Davis and seconded by Doyle Riley to nominate Eric Shumate as secretary. The motion carried unanimously.

CONSENT AGENDA

The following items were presented for the Planning and Zoning Commission to approve:

- Minutes of the December 10, 2018 meeting

A motion was made by Chuck Davis and seconded by Doyle Riley to approve the Consent Agenda as presented. The motion carried unanimously.

NEW BUSINESS

COTTONWOOD CREEK 3RD PLAT - FINAL PLAT David Pavlich said that late Friday Ron Cowger called and pulled Cottonwood Creek 3rd from the agenda tonight.

COTTONWOOD CREEK 3RD PLAT - FINAL PLAT-CONT He asked for it to be on the August agenda because he is unavailable for the June or July meeting.

PUBLIC HEARING

AMENDMENT – ESTABLISH ZONING FOR MEDICAL MARIJUANA LAND USES Staff reported that last year, voters in Missouri passed a law legalizing medical marijuana. The State Department of Health and Human Services is preparing rules for the program, which should be finalized and published by June 4, 2019.

The State will begin accepting applications for medical marijuana cards in June and medical marijuana facility licensing in August. As part of the State’s licensing process, medical marijuana facility applicants must identify what zoning laws may be in place in the community and how the facility will meet those requirements. The State has indicated that we likely would not see usage begin until approximately March 2020.

To make medical marijuana available to card-holders, the State will issue licenses to various facilities to grow, test, process and sell medical marijuana including:

- 60 – Cultivation Facilities
- 2 – Testing Facilities
- 86 – Infused Products Manufacturing Facilities
- 192 – Dispensary Facilities (24 in each of 8 congressional districts)

Facilities can have multiple license types, except for the testing facilities. The law requires a minimum setback of 1,000 feet from any existing elementary school, secondary school, day care or church.

Staff presented a medical marijuana ordinance. Staff said the purpose of this proposed ordinance is to define the four types of medical marijuana facilities, to identify those facilities as land uses in the Zoning Order and to establish which zoning districts those uses can be located in the City.

The ordinance proposes to allow all four types of facilities as permitted uses in the M-Industrial District, plus allow dispensary facilities as a permitted use in the C- General Commercial District. The definitions for cultivation facilities, testing facilities, infused products manufacturing facilities and dispensary facilities all match the law approved by voters.

Staff said this ordinance is similar to Smithville, Kirksville and North Kansas City. They have elected to make the distance from schools, etc. be 300 feet instead of 1,000 feet.

Eric Shumate said his only problem with it going in industrial area would be the issue of how it is taxed. He said we would be giving up higher tax rate for agricultural rate if that is how it is taxed.

AMENDMENT – ESTABLISH ZONING FOR MEDICAL MARIJUANA LAND USES

Kyle Creeden said his company is doing work for prospective customers so they have studied the issue. He said he thought they would be taxed differently, then an agricultural tax rate.

Doyle Riley asked how the County is handling this issue. Staff said they weren't sure how the County was moving forward on the issue.

Kyle Creeden said there are a lot of issues to be worked out. He said in the extraction facilities there will be fire hazard dangers so an industrial area makes good sense.

Darren Hiley asked if we would be leaving the 1,000 feet from schools, etc. Staff said that was the plan unless the Commission felt it should be changed.

The floor was opened to the public.

There being no comments from the public, the floor was closed.

A motion was made by Eric Shumate and seconded by Kyle Creeden to recommend to the Board of Aldermen to approve the proposed medical marijuana ordinance defining the four types of medical marijuana facilities, to identify those facilities as land uses in the Zoning Order and to establish which zoning districts those uses can be located in the City. The motion carried by a vote of 5 to 1 with Chuck Davis voting nay.

COMMISSION DISCUSSION

MONTHLY REPORTS Staff presented the current building permit report and a summary of building permits in 2018.

BUILDING PERMIT FEES Staff said the Board of Aldermen approved phasing out the reduced building permit fees. June 1 the fee will go up to \$3,000, go to \$4,000 in 2020 and return to normal fee in 2021.

HOLIDAY INN EXPRESS HOTEL Eric Shumate asked what the status was on Holiday Inn Express getting open.

Staff said they had hoped to be open in June. Jeff Fort, Fire Inspector for Fire Department said he thought it would be July before they opened.

FUN FARM Kathy Barger asked if Tom Christopher from the Fun Farm had been in to talk to the City about future plans. She said the Fire Department would like to have their annual convention there in 2020.

Staff said the City hasn't heard anything from Mr. Christopher.

ADJOURNMENT There being no further business on the agenda, a motion was made by Eric Shumate and seconded by Kathy Barger to adjourn. The motion carried unanimously.

Approved: _____ **Attest:** _____
Darren Hiley, Chairperson Eric Shumate, Secretary