



**Columbia Planning & Zoning Commission
Meeting Recap**

Council Chambers, Columbia City Hall
7:00 PM Thursday, May 9, 2019

CALL TO ORDER (Members present: Loe, Burns, Harder, MacMann, Stanton, Strodtman, Toohey, Russell, Rushinig.)
(Members absent: None.)

APPROVAL OF AGENDA (Approved as submitted.)

APPROVAL OF MINUTES ([April 18, 2019](#) minutes approved as submitted.)

SUBDIVISIONS

Case # 109-2019

A request by A Civil Group (agent) on behalf of Lifestyle Development, Inc. (owner) for a 133-lot preliminary plat to be known as "The Villages at Arbor Pointe Phase 4 Preliminary Plat". The 38.3-acre property is zoned R-1 (one-family dwelling district) and is located west of Arbor Pointe Parkway, between Waco Road and Flatwater Drive.

(Action: The applicant is seeking approval of a 133-lot preliminary plat on approximately 38 acres. 132 lots are proposed for single-family residential lots, consistent with the R-1 zoning and one lot (#133) will be a common lot to be used in conjunction with the existing pool located across from Delwood Drive and accessed from Arbor Pointe Parkway.

The site has frontage along Arbor Pointe Parkway (a major collector), and also has roadway stubs to tie into future development to the north and west. The adjoining property to the west, along the northern 2/3 of the site, is located in the County and zoned County R-S (single-family). City R-1 zoned property is to the north, south (Alpha Hart Lewis Elementary), and east of the property (existing Villages at Arbor Pointe).

The lengths of blocks, the number of lots receiving access from each street, and the overall connectivity index for the proposed development (1.8) meet the requirements of the UDC (≥ 1.65). Direct driveway access to Arbor Pointe Parkway is not permitted and no lots have been shown with direct access.

The previously approved preliminary plat permitted four entrances into the subject acreage. These entrances were installed with the construction of Arbor Pointe Parkway. As part of final platting and construction plan approval such accesses shall be removed to accommodate the redesigned layout. Some previously approved utility easements and ROW will also need to be vacated prior to final platting.

The final plat will dedication new easements and ROW associated with the revised subdivision layout. There was brief discussion of a new alley that would be created, and it was noted it meets minimum requirements.

Given this site was previously approved for development and in accordance with the provisions contained within Chapter 12A of the City Code, the site has been determined to be eligible to proceed forward with its development utilizing the stormwater management plan approved as part of the Villages of Arbor Pointe Phase 2, which also includes the Alpha Hart Lewis school site. Generally, sites proposed to be developed following a new preliminary plat would be subject to current Chapter 12A requirements. However, following an analysis of the revised development layout and submission of documentation that showed a reduction in the overall development impervious area it was concluded that the site could develop under the previously approved stormwater management plan.

Utilities are available at this site. The proposed preliminary plat has been reviewed by internal and external staff and found to meet all requirements of the Unified Development Code. Staff recommends approval.

Strodtman asked what the purpose of the alley was. Staff indicated that it provides connectivity and it breaks the length of street restriction contained in the new code. Loe asked if the new alley could accommodate cars or emergency vehicles. Staff indicated that it could accommodate emergency vehicles. It is not a one-way alley.

Public comment was opened.

An engineer appeared on behalf of the applicant and indicated he could answer further questions. MacMann asked if anyone attended the IP meetings? Staff said no neighbors appeared.

The public comment period was closed and no further discussion ensued.

A motion to approve was made and passed unanimously.)

PUBLIC HEARINGS

Case # 103-2019

A request by the City of Columbia to amend Chapter 29, Sections 29-1.11 [Definitions], Section 29-3.2 [Permitted Use Table], and Section 29-3.3 [Use-Specific Standards] of the City Code relating to the creation of new definitions and permitted locations as well as use-specific standards governing the establishment and operation of medical marijuana facilities inside the City's corporate limits.

[Text of the actual amendments](#)

[City-wide Medical Marijuana Separation Map](#)

[500-foot M-DT Separation Map](#)

[M-N District Separation Map](#)

(Action: On Nov. 6, 2018 Missouri voters approved Amendment 2 to permit state-licensed physicians to recommend marijuana for medical purposes to patients with serious illnesses and medical conditions. Amendment 2 afforded local governments the ability to enact ordinances governing the "time, place, and manner of operation" of these facilities as long as such ordinances do not conflict with the State's regulations and do not make the operation of the facilities "unduly burdensome." In light of the

authority granted under Amendment 2, the City has reviewed its zoning provisions and determined that changes to the Unified Development Code (UDC) are necessary to ensure the orderly integration of medical marijuana facilities within the city’s land use pattern. Staff believes that they need to have rules in place by June 4 so applications can be let by August 3. No actual activity will occur until licenses have been granted, and that could be December of this year.

The areas that are proposed to be amended include Section 29.1-11 [Definitions], 29-3.2 [Permitted Use Table], and 29-3.3 [Use-specific Standards].

The proposed changes to Section 29-1.11 [Definitions] include the inclusion of four new definitions. The new definitions, identical to those in Amendment 2, will define Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility, Medical Marijuana Infused Manufacturing Facility, and Medical Marijuana Testing Facility. These uses have never been identified in the code and thus are considered to be “not permitted” at this time. Failure to adopt regulations could mean that we can’t have any such facilities for three years. The ordinance before you tonight is what will go forward to city council. Council will then decide whether or not to incorporate any comments made tonight into the final regulations and zoning rules.

The proposed changes to Section 29-3.2 [Permitted Use Table] have been made to identify where each of the medical marijuana facility types will be located. Each facility type is related to a current set of land use activities that are identified within the Permitted Use Table, but since each facility type is considered a land use of its own it must occur within the table before it would be considered an allowed within a specific district. In evaluating where each facility type should be located, staff gave consideration to the intensity of the facility, the facilities potential impact on surrounding development, and if the district in which the facility would be located included other similar uses.

Staff believes that these are unique uses and are not equivalent to pharmacies or general retail. Therefore, they need a new definition or they will not be allowed. In Planned districts, an amended Statement of intent will be needed, and that will require public hearings.

The Permitted Use Table proposes the following zoning districts as the locations where medical marijuana facility would be permitted as a “by-right” use. The “by-right” status would be subject to compliance with use-specific standards.

Facility Type	Permitted Zone District
Cultivation	A (Agriculture); IG (Industrial)
Dispensary	M-C (Mixed-use Corridor); M-DT (Mixed-use Downtown); IG (Industrial)
Manufacturing	M-BP (Mixed-use Business Park); IG (Industrial)
Testing	M-C (Mixed-use Corridor); M-BP (Mixed-use Business Park); IG (Industrial)

(In addition to identifying the above zoning districts as permissible locations for each facility type there was discussion between staff and the Commission about the potential expansion of such locations through use of a “conditional use permit”. Staff acknowledges that such a process may yield more locations; however, due to the necessity to establish minimal time, place, and manner of operation standards before the June 4 DHSS release of application criteria for State licensure, a discussion of where conditional uses would be appropriate was, for now, considered beyond the scope of the proposed text amendment.)

However, it was determined that a new use-specific standard (qq) should be adopted.

The use-specific standards address the following topics: 1) buffering between schools, churches, and daycares, 2) Business licensure and local licensure limits, 3) multi-tenant building occupancy, 4) 2nd floor facility location within the M-DT district, 5) hours of operation limits for dispensaries, 6) location standards (i.e. enclosed vs non-enclosed), 7) use of mobile structures, 8) design criteria for visual integration, 9) odor mitigation, 10) waste generation, 11) signage, 13) exterior site/security lighting, 14) signage/equipment removal upon facility closure, and 15) cross-reference to Business License requirements for security, operations and management, and emergency plans.

During the public work sessions held on April 11 and 18, the aforementioned standards were discussed between the staff and Planning Commission. While there was general consensus on many of the topic areas several were noted as being of concern. The proposed buffering requirements, licensure limits, and M-DT location standards were those generating the majority of concern. The following rationale is offered to justify why such provisions have been retained in the proposed draft in light of the concerns expressed.

1000-foot buffering from schools, churches and day cares

The provision addressing the buffer requirement is consistent with the standards that were approved as a part of Amendment 2. This provision may be amended by the City Council; however, based upon the staff's mapping analysis there does not appear to be justification given the available locations to establish a business presence along the City's major transportation corridors or within established industrially zoned property. It is staff's belief that beginning with a 1000-foot buffer offers greatest opportunity to address potential changes rather than by beginning with a lessor standard only to find that unintended consequences necessitate a change to something more stringent. Staff acknowledges that the proposed 1000-foot buffer impacts almost the entirety of the M-DT zoning district for potential medical marijuana facilities with the exception of a small area of property in the northeast corner of district.

Reduction of the separation standards to a distance of 500-feet could permit property to the west of Providence Road for facility locations as well as a relatively small number of sites within the core of the downtown. While such an adjustment could create potential opportunities for facility locations within the M-DT district, there is a provision requiring a 2nd story location within the M-DT, and that may still limit locations available. If Council chooses to relax the 2nd story requirement, such a modification could be limited to only the property within the "Urban General West" frontage type designation. This specific frontage type was envisioned as a more "suburban" form of development and presently does not have the same 2-story minimum building construction requirement applicable to other frontage types within the M-DT district.

The Commission was also concerned with the 1000-foot buffer as it related to limiting locations of facilities within M-N and M-C (Mixed-use Neighborhood and Corridor, respectively) zoning districts. The concerns focused generally on dispensaries and how such facilities are believed to be very similar to pharmacies or other retail establishments which were allowed uses within these districts. Again, in justification of the elimination of the M-N district as a zone appropriate for the location of such facilities staff performed additional land use analysis. The attached M-N Separation Map identifies only the locations within the City that are currently zoned M-N. Overlaid upon these zones is the currently proposed 1000-foot buffer. As can be seen, the majority of these zones are located in close proximity to other neighborhood supporting services such as schools, churches, and daycares. Given that

dispensaries, as described by certain Commissioners, will be “cash heavy” businesses, there is concern that location of such facilities within close proximity to existing neighborhoods may create an unnecessary public safety risk given other available locations. Staff acknowledges the concerns expressed about having accessible facilities near potential patients; however, accessibility to other services within these areas are equally important. Staff has chosen to not propose that such facilities be permitted within the M-N district.

Local Licensure Limits

Local business licensure limitations are proposed within the use specific standards. These standards were modeled after similar Amendment 2 provisions, and call without our ability to regulation “time, place, and manner of operations”. We believe these standards to be a reasonable way by which the City of Columbia will accept its “proportional share” of the total number of facilities issued a license by the State. Of the four facility types listed in Amendment 2, only dispensaries are proposed to have a licensure cap.

Dispensary licensure is based upon the total number licenses to be granted within each US Congressional District, a maximum of 24, and dividing the population of the local US Congressional District by that number. This calculation allowed for 1 dispensary for approximately each 32,000 persons. Given the City’s central location within the State and in efforts afford additional licensees the ability to locate within the City, the population per dispensary threshold was reduced to permit 1 dispensary per 20,000 in population or fraction thereof. If you use the 20,000 number, Columbia would be entitled to 6 dispensaries. The licensure limitations, as noted, establish a basis by which the City can accept its proportional share of future facility licensures within its authority to regulate the time, place and manner of facility operations within corporate City limits. The limits could be subsequently modified as needs and demands are better understood with this new industry.

This bill also regulates time of operation and does not allow for 24-hour operation like some pharmacies.

Building Occupancy Limits

This part of the proposal indicates that you could have multiple dispensaries in a single shopping center, but all would have to be individually separated and licensed. No dispensary can be located in a mobile structure.

M-DT Location Standards

The use specific standards propose that dispensaries located within the M-DT district must be located upon a second floor. The provisions are a method by which to create a safer experience for patrons to such business by providing a level of anonymity while protecting the form-based design of the Downtown area. The Police Department is supportive of the requirement as well. Additionally, this provision may afford an opportunity to retaining a more significant level of pedestrian traffic at the street level which is a key objective of a form-based district. The design and operation of dispensaries generally do not generate significant pedestrian activity due to the security protocols that are employed in their operation.

Staff acknowledges that ADA accessibility should always be kept in mind when determining locations. However, it should be noted that as the use specific standards are presently proposed almost the entirety of the M-DT district is excluded from being a viable location for dispensary facilities. Where they are permitted, it is likely that a new structure would be required to be constructed as a 2-story building

to comply with the provisions of the M-DT form-based standards. Other use-specific standards include matching façade materials, odor mitigation, waste disposal, sign regulation, exterior cages or bars will be prohibited, elimination of product and waste if the operation closes and other technical requirements in some districts. There are also some changes to the lighting standards that have been made.

A security plan must be submitted for licensure and must insure public safety, but that is in a different section of the city code. Unlawful operation is prohibited and must conform to city, state and federal requirements.

OVERALL RECOMMENDATION

A recommendation of passage of the proposed standards will afford facility license applicants a clear understanding of what expectations the City has for such business as well as assist such applicants in completing the State's licensure process, which requires the applicant to have a location at the time of submission. As with any proposed regulations, the standards initially enacted may be modified later to accommodate changes as new and more detailed information relating to these uses becomes available. The standards proposed, as noted, are what staff believes to be the minimum needed to provide integration of this new industry within the City.

There were no initial questions from the commissioners. Zenner indicated that there is some garbled text in the amendment and clarified that what they are proposing meets legal standards. Loe then asked about a 500-foot boundary and referenced a map. She noted that the 500-foot boundary crosses from the M-DT into the next zoning district, yet the prohibition would be enforced in the M-DT. The clarification from staff was that 1,000 feet or 500 feet is the limit and it is based on ANY qualifying structure in any zoning district rather than simply qualified restrictive sites within the M-DT.

The public hearing was opened.

The first speaker represented the organization that drafted the original legislation. He noted that the legislation was broadly supported statewide, and in Columbia, support was 72% overall and over 80% in downtown Columbia. The staff may have done hard work, but they did not solicit input from the downtown people who voted for this since the staff report excludes availability in this part of the city. You did not ask the patients or the applicants what they would like to see. He noted that there is no June 4 deadline. That's when the regulations will be released by the state. Why don't we wait to see what they end up with to see if our standards match. People are trying to rush us into this because they don't want us to change it.

The 1,000 buffer makes no sense downtown. There are more people and patients in the downtown area, yet this measure will not provide dispensaries in close proximity. The overall proposal is conservative, but we are not a conservative town. The requirement to have second-story dispensaries in Boulder is limited and unusual. It makes no sense here. We are trying to hide these away and create a stigma. That is wrong. Some say that because there will be a lot of cash transactions, there could be more crime – but there is no evidence for that. We know that some patients won't be able to climb stairs. That is unacceptable.

MacMann asked the speaker what he would like the commission to do since this was a staff generated document. The speaker said a lot of towns have eliminated distance requirements. He asked that the commission modify this proposal. Rushing asked if any provisions in this ordinance are out of

conformance with the state statute. He said that there are. He particularly cited the fact that some things are unduly burdensome, like the second story requirement, and that is not allowed by the state law. He does not know of any other city that thinks that June 4th is a hard and fast deadline.

Stanton asked what the impact would be of dispensaries on property values. He believes his neighborhood will be exploited. His neighbors will not be able to take advantage of his neighborhood without realizing any benefit. He favors some barriers. I don't want 10 or 125 dispensaries in my neighborhood. The speaker indicated that he wants people with limited means to be able to participate in this business venture and believed that people could become a part of a consortium. There will not be 10 or 15 dispensaries here at all. We are not inventing something new. These have been around since 1996 in other states and no data shows that these will lead to gentrification or other property diminishment.

Burns noted that the speaker focused on dispensaries. Does he have a problem with the other cultivation and testing facilities or does he agree with the other parts. He indicated that he could agree with the other parts of the regulation and change the dispensaries.

Loe said the discussion was guided by the state rules and that included a 1,000-foot setback. Why don't you like that number now if you wrote it? The speaker said they used that number to reassure voters but left it up to local governments to change it if it met with local approval. Stanton said it is easier to ease up regulations later rather than restrict them later. The speaker said that may be true, but why can we sell booze with on premises consumption all over downtown and no consumption of marijuana will be allowed on dispensary property. Rushing said that these are going to be cash operations and may be targets for crime. The speaker indicated that it is harder to make a get away downtown than on the edges of town. He does not think there will be a problem.

MacMahon said he researched this issue and believes that dispensaries do not lead to more crime in other states. These places will be secure. Stanton asked if would be naïve to believe that we won't have recreational uses in the future. We should prepare for that and set regulations now. The speaker said that it is unlikely that this state will approve recreational marijuana in the near future and you will not be bound to have the same rules. You do not have to write these rules to meet that potential outcome.

The next speaker said he wants to focus on dispensaries. He is a member of various cannabis organizations. He addressed neighborhood impacts. DHSS will ask questions on the application about how the applicants will address diversity and the community in your operation, so that will be discussed with every applicant. Really, this should be all about the patient. It should be about getting medicine to patients. We have always been a star about accommodating people with disabilities and other needs. People in this area overwhelmingly supported this at the ballot box. So here we are, and now we are trying to say that we are not going to make this available to people who can't Uber or take a taxi is hypocrisy. Let's be honest. You might as well just come out and say you oppose this.

Stanton said he was glad to hear about the questions on the application. He thinks this is a smoke screen and that his neighborhood will be exploited. Plus, this does not address the issue of women and minority businesses. He is on the commission and he has limited information, so he knows his neighbors don't know what's up. He will have to do his own work. If the land is cheaper in my neighborhood, it will be exploited. The speaker said that the neighborhood can't be saturated because they limit overall numbers and other location specific numbers. Stanton said that means the big boys will have the advantage and they will not partner with minorities and women. The speaker said that he thought that

was incorrect and that there are provisions in the application process to encourage diversity. The speaker said he has some property that would benefit from the 1,000-foot rule, but he is not for the 1,000-foot rule.

The next speaker said he thinks people come to this argument based on how they feel about the underlying issue. The speaker said he thinks it is a medical and economic issue. How is the best way to deliver medicine? If we feel that it is medically necessary, then we should make it easier rather than harder to dispense it. He is ambivalent about the dispensary locations in general, but he thinks that distribution of medicine should be the key factor. The speaker asked the staff if there will only be two cultivation sites in the city. The staff said that is what is being proposed. The speaker said if we had more cultivation and dispensaries, it means jobs on the economic level. The speaker does not understand the cultivation limits and all. He understands why people might try to limit dispensaries, but you need to remember that the goal is to deliver medicine.

Stanton said jobs, jobs, jobs is always the big pitch. Really, how many jobs will be created? I don't see the infrastructure being created for my neighbors. I want to see where those jobs will go. The speaker said he doesn't have the data, but he knows it will create more jobs just because it is a new industry. This could dovetail with the existence of a research university that has an agricultural element. Harder said he did not think he will get a medical marijuana card, but he can see the need for some people. Can you sell anywhere in the state? Staff said yes, but you can't grow anything outside the state and sell it here. Loe noted that the new rules would not prohibit sales of marijuana near the VA Hospital.

The next speaker said he moved to Columbia a few years back after a career in avionics and finance. He collected 3,000 signatures to get this item passed. He said most people never read the whole petition, but does not believe that most people think that 1,000 feet is the rule. He has cancer. It is offensive to him that anyone thinks I should not be able to get medicine. Loe pointed out that the 1,000 feet limit appeared on the ballot. The speaker said it was not a critical decision point for most voters. He also thought that medical marijuana may not cure the side effects of his chemotherapy, but it will help some people and possibly him with other problems. What is it that we are protecting here? I am not sure. Don't all businesses have the potential to gentrify neighborhoods. Preventing dispensaries is not the answer. Why don't we protect people from other kinds of businesses?

The next speaker indicated that he is a doctor at the VA Hospital. He cannot certify any patient to get medical marijuana because he is a federal employee – so you should know that. I think we should look at the big picture. Doctors and physicians can prescribe medical marijuana. But doctors are not required to certify a patient. If a doctor DOES certify a patient, then they get a card, and somebody working in a dispensary will suggest what and how much a patient should buy. That's different than a pharmacy. I think there will be some reticence by some physicians to recommend medical marijuana, so I don't know what the demand will be. I don't know if we will get a new wave of patients and on what level.

Russell asked if he had any objections to the ordinance? The speaker said he did not have an opinion about 1,000 feet or 200 feet, he just doesn't know what the demand will be.

The next speaker talked about 3 items. The first is urban design. There seems to be no reason to have a 1,000-foot separation for dispensaries and in fact seems to be counter intuitive to good design. He actually thinks pharmacies are more dangerous since they sell drugs that kill people. He mentioned that in the 4th Congressional district, Columbia has about 125,000 of those residents. Nearly 1 in 6 people work in health-related fields here. We are a regional health center. We should have easily accessible

dispensaries here. I don't think we need to weigh in with some arbitrary number. Let the state award the licenses where they want to without us getting in the middle of it. Finally, this amendment says that they will make recommendations based on health, safety and morals. I don't think there is a problem in any of those areas and if there is, I would like to know what it is.

Stanton said he spends a lot of time downtown. Guess what? Downtown is not where people go for medical care in this town. So, why don't we put the dispensaries in areas where people already go for health care instead of in the downtown area. What make access downtown so important? The speaker said he thinks the prohibition on downtown is arbitrary and that is somehow goes to the idea that church people students or small children should be shielded from exposure to medical marijuana. He doesn't think that rule is right. I am not saying we have to have one at 8th and Broadway, but I don't think it should be arbitrarily prohibited.

The next speaker said that he is a patient and a stage 4 cancer survivor. He would support the most liberal standards across the board. He thinks the value of the medicine outweighs any hesitations.

Another speaker said she wanted to address Mr. Stanton's concerns about gentrification. She said that there is a bill in the legislature that would address medical marijuana facilities and minority and women's access to licenses. It gives minority and women scoring bonuses of 10%. It's 2019, and it's a shame that we even have to ask for this, but there is work in this area. Let me also say that there are a lot of shootings in schools and churches, and this won't make any of that worse. Stanton asked if she supported the barriers as written. She said it goes both ways. It should be fair. There could be an opportunity for exploitation and I think minorities should be first at the table.

The next speaker was a member of NORML. Medical marijuana dispensaries are not like pharmacies. They are FAR MORE SECURE. I can walk into any Walgreens in America with a gone and have access to a whole array of drugs. The idea of limiting dispensaries to a second floor is absurd. We are dealing with patient. They may not be able to walk well; they may be in wheelchairs, etc. Do we have to add \$150,000 of expense to the cost of medicine? This is unduly ridiculous. The 1,000-foot rule is excessive. We are beating a dead horse. We are a liberal town. Don't adopt the most conservative rules in the state. I think you are more likely to see people stumbling out of bars drunk than you will be likely to see people smoking pot. Even in Colorado, you can't smoke pot on the street. I don't think you will have to worry about this.

Stanton said he is worried about the density of the point of sale. There is going to be a lot of cash there and it has to be taken somewhere by truck. Someone is going to try to get it. I am protecting my neighborhood. The speaker said they are trying to get a fair banking law that will allow these stores to use banks. Look. My wife could have used this medicine instead of opioids. She died 10 years ago. If I could have given her marijuana, the quality time would have been better. The speaker said he is looking to get into this business. He thinks more cultivation should be allowed and you can only sell to dispensaries, not individuals. The best place for cultivation is in the center of the state. Stanton asked if the speaker was going to try to include women and minorities. He said he is working with a woman from St. Louis and his wife as a partner. He does not have a minority involved right now. He only has 4 people right now. Mac Mann talked about the cost of an elevator. If it costs \$150,000 that seems like an undue burden on the patient as much as on the businessperson or the city.

Another speaker said she has liver cancer and lives on Aldeah. She objects to the smell of some coffee roasting, but it is not restricted. She doesn't think there should be odor limits on medical marijuana. She also objects to the second-floor locations. It is an undue burden. Vote no on this proposal.

The next speaker asked if there are multiple approved locations for the city of Columbia, how will the city address any approvals. Staff said maybe we will do an open application and then possibly a lottery, but we do not know exactly at this time. The rule is still under development.

Another speaker said he is interested in creating a boutique dispensary. He thinks people are overwhelmingly for this in Columbia. He thinks we should be a leader in ADA compliance not creating new barriers. He thinks the licensure rules still need work and explanation. If the state already approves an applicant, why does this city think they need to create another hoop for people to jump through. Let me tell you one last story. The city now has an unabashed goal of creating revenue from every possible source. I watched Bob Pugh get an award at council the other night. One of the items that came up at that meeting was the Gateway Park discussion. One of the reasons for having this new park developed at that location is to draw people to the downtown area. Well, medical marijuana dispensaries downtown will draw customers and the CID, the city and other businesses will also benefit. By the way, the city of Columbia is planning to build another auditorium like the Reichman Auditorium to raise additional revenues.

Another speaker said he was the 9th top petition signature gatherer for the medical marijuana amendment in the state. He said that drunk frat boys puking on downtown streets is a way worse image than people getting medical marijuana. Unfortunately, that is our image now.

The next speaker said he was concerned about second floor locations. Where would those be? In student housing facilities. Will there be more electric consumption? This will have unintended consequences.

The public comment period was closed and the commission elected to take a 5-minute recess.

The meeting resumed and discussion among the commissioners and staff ensued.

The staff asked the commissioners to individually address concerns with the amendment as proposed and go by category. They would like to do that first, then take a vote on each of the sections including definitions, permitted uses by zoning district and then specific use-specific standards. I hope that is not too cumbersome. Commissioners were asked to comment individually.

MacMann – He stated that he has issues with some of the wording, he thinks the whole process is specious and vacuous. He will vote no on the whole thing. This is staff driven.

Russell – Her late husband was exposed to agent orange and he died of cancer. He went to Canada to get cannabis. She wants no buffer and no second story rule. Do not limit cultivation or manufacturing to 2. Make it at least 4.

Strodtman – He is fine with the definitions. On the permitted use part, he would like to see dispensaries in M-BP along with cultivation. On use specific standards, he thinks dispensaries should be 300 to 500 feet. I do not think we should dictate the number of businesses. He is against the second story in M-DT. Do not dictate the hours of operation. He is unsure on the

mobile structure but will vote no on that. Do not require people to take down signs and remove product. We do not need another layer of licensing. The state will make that judgment.

Burns – Definitions are all OK. Permitted use table – she agrees with staff at looking at other cities. In terms of dispensaries. She is in favor of a 500 foot on dispensaries and is fine with the other uses. Burns opposes the second-floor rule.

Loe – No comments on definitions. No further comments on use table. She agrees with a 500-foot rule in M-DT, but likes 1,000 in other areas. Does not agree with 2nd story rule.

Stanton – Agrees with definitions and everything else except for limitation on cultivation and 2nd floor rule. Everything else if fine.

Harder – Believes that 500 feet is a better rule. Thinks we could increase the number of cultivation facilities.

Rushing – She feels like Alice in Wonderland. We are talking about medical marijuana. She approves the definitions and the permitted use table. Believes that a 500-foot separation is more appropriate for dispensaries. Let's make this less restrictive at the beginning. I think we already have the state limiting licenses so we shouldn't have to worry about that. Don't worry about multiple facilities in a single general location unless the state has a rule. I think the second story rule is almost insane. I could see a mobile structure, but have no strong feelings.

Toohy – I think the process is unusual. I think we should embrace medical marijuana. This goes along with the idea of medical tourism. I don't recall too many times that we have loosened regulations after we passed them. No problem with the definitions. I think there should be no requirement at all on separation of dispensaries. Maybe 150 feet. I don't think we should artificially limit cultivation facilities, particularly since it is sold across the state. He's OK with limiting hours of operation. The second story requirement should be removed. On the usage table, I think dispensaries should be removed and this should be simply regarded as general retail and believes that infused products should be allowed in M-C.

At that point, the commission started considerations for amendments. Staff suggested that they make the motions and let commissioners react.

A motion to adopt definitions proposed in the new proposal.

The motion was approved 8 to 1 with MacMann voting no.

A motion to adopt the suggestions put forward for the permitted use table relating to cultivation.

The motion failed on a vote of 5 to 4. Mac Mann raised a point of order and believed that the process was flawed and asked for clarification.

A motion to permit Cultivation in M-BP, IG and A. Strodtman thought it had the necessary infrastructure to allow such a use in M-BP. Loe thought M-BP is really more office oriented.

The motion carried 5 to 2 with one abstention.

A motion to approve medical testing facilities in zoning districts suggested.

The motion carried 8 -0 with one abstention.

A motion to approve dispensaries in M-C, M-DT, IG and M-BP
The motion passed 6 to 2 with one abstention.

A motion to approve medical infused production in M-BP and IG. M-C was added.
The motion passed 8-0 with one abstention.

USE SPECIFIC STANDARDS VOTES

A motion to amend a use-specific standard from 1,000 ft to 500 ft. for all uses in all zones. Toohey suggested 250 feet. Russell asked for no separation for dispensaries. Harder agreed.
The motion failed 6 to 2 with one abstention.

A motion to allow dispensaries within 250 feet of institutions like schools and churches. All other facilities will have a 500 feet buffer.
The motion passed by a vote of 5 to 3 with 1 abstention.

A motion to strike items 2, 3 and 4 was made. Those would limit the number of facilities in the city. Stanton thought some cities had made the market too big in some states. He wanted to be careful. He wants the number of facilities should be based on population.
The motion resulted in a tie vote, 4 to 4 with 1 abstention. No recommendation will be made on this topic.

Motion to approve option #5
Approved 8 to 0 with 1 abstention.

Motion to allow multiple facilities to be located in a tenant space.
Approved 8 to 0 with 1 abstention.

A motion to approve items #7 and #8 as stated.
Approved 7 to 1 with 1 abstention.

A motion to delete item 9. (Dealing with a mobile structure).
The motion passed 8 to 0 with 1 abstention.

A motion to approve items 10 through 14 as stated.
Motion was approved 8 to 0 with 1 abstention.

A motion dealing with a requirement that an operation that ceases operation must remove signs and materials within 30 days. The motion was to strike the requirement. Discussion indicating that this rule singles out one industry and that it is not applied across the board. The point was also made that the equipment will have to be stored somewhere, so why not there?
Motion carries 8 to 0 with 1 abstention.

A motion to accept items 16, 17 and 18.
Strodtman said he knows of no other business that requires a security plan. If the state requires it, let them do it, but we need to stay out of that business. Toohey asked if the plan could become public Staff said no. Staff also said that they do this for other businesses that store hazardous chemicals and it helps

our emergency personnel know about their limitations. Stanton thought these were cash heavy businesses and that we have to have security plans in place. You don't live where I live. It is important to me.

Motion carried 7 to 1 with 1 abstention.

Staff stated that all of the amendments along with testimony will be forwarded to the city council with the appropriate recommendations. The original motion will go forward, along with all of this, and council will consider it all. First reading will occur on May 20 and a final vote will occur on June 3.

PUBLIC COMMENTS

One person stood and thanked the commission for listening and complimented them on their work.

STAFF COMMENTS

Items for consideration at the next meeting will include:

Boone Prairie – Preliminary Plat

James Harris rezoning request Public hearing (PD to A)

Copperstone commercial Plat 2 PD plan (Just south of Addison's South on Frontgate Drive)

The staff will send CIP comments from the commission and deliver that to the council. At the next work session they will discuss the Climate Action Plan. At the beginning of June, the Rock Quarry Scenic overlay group will return to the work session agenda and then they will go back and pick up the short-term rental issue.

COMMISSISONER COMMENTS

Loe indicated that there will be several divisive issues on our agendas this year, but we value all input.

NEXT MEETING DATE - May 23, 2019 @ 7 pm

ADJOURNMENT

(Time: 10:34 PM)

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