CB 2019-262

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, 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 welfare 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 requests you have heard today.

There are four (4) identified uses in this council bill:

1. Medical Marijuana Cultivation Facility - 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 – a 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 infused product manufacturing facility. There are use standards that we are recommending be placed in the zoning code, such as buffering requirements, and all should be at least 1,000 feet from an existing elementary school, secondary school, license day care center or church. That follows state requirements word for word. All medical marijuana facilities shall be closed to the public, no persons not employed by the business shall be on the premises, and no sales or distribution of

marijuana shall occur upon the premises or by delivery from the premises between the hours of 10:00 p.m. and 8:00 a.m. The out-door operations and storage are prohibited, must be inside and secured, and on site usage is prohibited. 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 site?

Mr. Bolander stated medical marijuana can be delivered by a smoking method or by a device which the odor may cause a nuisance.

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 spoke highly in favor of this case. He stated that the reason it cannot 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 odor mitigation in a dispensary or retail shop is really not needed and the reason its because the marijuana will be in closed containers as it comes to retail. Odor 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 in the section on ventilation required it doesn't say what kind of ventilation to use. The purpose of it is that no odor shall be detected by a person with normal sense of smell outside the boundary of the facility. If you can't smell it outside the property boundary, then it doesn't apply.

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

Mr. Bolander stated that some of the nuisance could apply to that type of facility. (The odor again.) It states to be contained in the building and if it goes to the upstairs where the residence reside 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).