

THE **PLANNING AND ZONING COMMISSION** OF THE CITY OF RAYMORE, MISSOURI, MET IN REGULAR SESSION **TUESDAY, JULY 2, 2019**, IN THE COUNCIL CHAMBERS OF CITY HALL, 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI WITH THE FOLLOWING COMMISSION MEMBERS PRESENT: CHAIRMAN WILLIAM FAULKNER, KELLY FIZER, JIM PETERMANN, MARIO URQUILLA, MATTHEW WIGGINS, MELODIE ARMSTRONG, ERIC BOWIE, CHARLES CRAIN AND MAYOR KRIS TURNBOW. ALSO PRESENT WAS DEVELOPMENT SERVICES DIRECTOR JIM CADORET, ASSOCIATE PLANNER DAVID GRESS, ASSISTANT PUBLIC WORKS DIRECTOR GREG ROKOS, AND CITY ATTORNEY JONATHAN ZERR.

1. **Call to Order** – Chairman Faulkner called the meeting to order at 7:00 p.m.
2. **Pledge of Allegiance**
3. **Roll Call** – Roll was taken and Chairman Faulkner declared a quorum present to conduct business.
4. **Personal Appearances** – None
5. **Consent Agenda**

- a. **Approval of the minutes of the June 4, 2019 meeting**

Motion by Commissioner Urquilla, Seconded by Commissioner Petermann, to approve the June 4, 2019 minutes.

Vote on Motion:

Chairman Faulkner	Aye
Commissioner Wiggins	Aye
Commissioner Armstrong	Abstain
Commissioner Bowie	Absent
Commissioner Crain	Abstain
Commissioner Fizer	Aye
Commissioner Petermann	Aye
Commissioner Urquilla	Aye
Mayor Turnbow	Abstain

Motion passed 5-0-3.

6. **Unfinished Business - None**
7. **New Business -**

- A. **Case #19013 - HyVee Fast & Fresh Fueling Station CUP (public hearing)**

John Brehm, site planner for HyVee, presented the request to the Commission. Mr. Brehm indicated the request is to allow the inclusion of fueling pumps at the proposed HyVee Fast & Fresh Store to be located on the southwest corner of 58 Highway and Fox Ridge Drive.

Mr. Brehm indicated the owner is in agreement with the proposed condition of approval recommended by staff.

David Gress, Associate Planner, presented the staff report. Mr. Gress indicated that while the retail use of the property for the proposed HyVee Fast and Fresh is a permitted use, the addition of fueling pumps does require a conditional use permit.

Commissioner Eric Bowie arrived at 7:08 p.m.

Mr. Gress stated the request does require a public hearing and entered into the record the Growth Management Plan, the Unified Development Code, the application, and the staff report.

Mr. Gress commented that the conceptual plan submitted does include a proposed access drive to the site off of Fox Ridge Drive. Due to existing traffic on the road, staff is recommending that left-hand turns onto northbound Fox Ridge Drive be prohibited. A median is to be constructed to restrict left-turns.

Mr. Gress indicated that staff does recommend the Commission accept the staff proposed findings of fact and forward the request to the City Council with a recommendation of approval, subject to the condition that appropriate traffic measures be incorporated into the site plan to prevent left-hand turning movements onto northbound Fox Ridge Drive from the proposed access drive.

Commissioner Urquilla asked for clarification on what action the Commission is being asked to consider.

Mr. Gress stated a site plan and final plat for the project have been submitted but are not ready for Commission review. The request being considered is for a conditional use permit for only the fueling station portion of the project.

Commissioner Wiggins asked for clarification on street names utilized on the conceptual site plan.

Mr. Gress indicated that staff advised the applicant that the street names on the conceptual plan has to be changed. The southern road with access onto Fox Ridge Drive will be Brome Drive.

Chairman Faulkner opened the public hearing at 7:18 p.m.

There were no public comments.

Chairman Faulkner closed the public hearing at 7:18 p.m.

Motion by Commissioner Urquilla, Seconded by Commissioner Wiggins, to accept the staff proposed findings of fact and recommend approval of case #19013, HyVee Fast & Fresh Fueling Station Conditional Use Permit, subject to the following condition:

- 1. Appropriate traffic control measures shall be incorporated into the site plan to prevent left-hand turning movements onto northbound Fox Ridge Drive from the proposed access drive.**

Chairman Faulkner commented that the fueling pumps appear to be higher in elevation than the elevation of the store, but felt the applicants engineers would adequately address that situation when a site plan is filed.

Vote on Motion:

Chairman Faulkner	Aye
Commissioner Wiggins	Aye
Commissioner Armstrong	Aye
Commissioner Bowie	Aye
Commissioner Crain	Aye
Commissioner Fizer	Aye
Commissioner Petermann	Aye
Commissioner Urquilla	Aye

Mayor Turnbow

Aye

Motion passed 9-0-0.

B. Case #19018 - 31st Amendment to the Unified Development Code - Medical Marijuana Facilities

Development Services Director Jim Cadoret provided the staff report.

Mr. Cadoret indicated that an amendment to the Unified Development Code (UDC) requires a public hearing and he entered into the record the Growth Management Plan, Unified Development Code, Notice of Publication in the Raymore Journal, and the staff report submitted to the Commission.

Mr. Cadoret stated the UDC amendment establishes in what zoning districts the different medical marijuana uses are permitted and the minimum separation distances required between the facilities and specified sensitive land uses, such as schools, day-care centers, and religious facilities.

Mr. Cadoret indicated the UDC amendment also adds definitions of the facility types. The definitions were copied from the rules proposed by the Missouri Department of Health and Senior Services.

Mr. Cadoret stated staff recommends the Commission accept the proposed findings of fact and forward the 31st amendment to the Unified Development Code to the City Council with a recommendation of approval.

City Attorney Jonathan Zerr reminded the Commission they are only considering the UDC amendment and not considering the companion ordinance submitted by staff for reference purposes only.

Chairman Faulkner opened the public hearing at 7:34 p.m.

Teri Woods, 309 N. Park Drive, asked for clarification on the setback distances and whether the state established a 1,000 setback from residential property.

Mr. Cadoret stated there is no minimum setback requirement in the state rules from residential structures. He indicated the City has added the setback requirement in the proposed ordinance.

Commissioner Urquilla provided additional explanation on the setback distances included in the amendment.

Chairman Faulkner closed the public hearing at 7:36 p.m.

Commissioner Wiggins asked for clarification on how the setback distances are to be measured.

Mr. Cadoret stated if the facility is in a free-standing building, the distance is measured from the property line of the facility to the property line of the sensitive land use. If the facility is in a multi-tenant shopping center, the measurement is made from the property line of the sensitive land use to the entrance of the medical marijuana facility.

Commissioner Wiggins asked why there is a proposed prohibition on a facility being in the same building as a residential unit. He thought this may be too restrictive if we have a mixed use building with commercial spaces on the 1st floor and residential units above.

Mr. Cadoret commented that staff did consider the possibility of mixed-use development, but for now wanted to ensure residential units are clearly protected. The restriction could be reviewed again at a future date.

Commissioner Bowie asked the reasoning for the code language regarding sensitive land uses moving within the setback distance of a medical marijuana facility.

Mr. Cadoret stated the ordinance needs to provide some level of protection for facilities that find a location that meets all of the setback requirements. Should a sensitive land use move in close to the facility, the facility should not then be forced to move. The owners of the sensitive land use would know the medical marijuana facility is located close when they chose to move close to the facility.

Mr. Zerr concurred and stated the rights of the facility cannot be eliminated without substantially harming their operations and business. Mr. Zerr stated the code provision needs to remain.

Motion by Commissioner Urquilla, Seconded by Commissioner Crain, to accept the staff proposed findings of fact and forward case #19018, 31st amendment to the UDC, to the City Council with a recommendation of approval.

Vote on Motion:

Chairman Faulkner	Aye
Commissioner Wiggins	Aye
Commissioner Armstrong	Aye
Commissioner Bowie	Aye
Commissioner Crain	Aye
Commissioner Fizer	Aye
Commissioner Petermann	Aye
Commissioner Urquilla	Aye
Mayor Turnbow	Aye

Motion passed 9-0-0.

8. City Council Report

Mr. Zerr provided a review of the June 10, June 17 and June 24 Council meetings.

9. Staff Report

Mr. Gress provided an overview of the upcoming cases to be considered by the Commission and provided a report on Public Works activity.

10. Public Comment

No public comments.

11. Commission Member Comment

Commissioner Fizer thanked staff and Mr. Zerr for helping work through the issues of the non-meeting on June 18. She reviewed an article from Oregon regarding the removal of single-family zoning from larger communities in the state to encourage more affordable housing. She also encouraged Commission members to visit Recreation Park and view the new mural.

Commissioner Crain indicated that he is stepping down as a Commission member and enjoyed his time as a Commissioner.

12. Adjournment

Motion by Commissioner Urquilla, Seconded by Commissioner Crain, to adjourn the July 2, 2019 Planning and Zoning Commission meeting.

Vote on Motion:

Chairman Faulkner	Aye
Commissioner Wiggins	Aye
Commissioner Armstrong	Aye
Commissioner Bowie	Aye
Commissioner Crain	Aye
Commissioner Fizer	Aye
Commissioner Petermann	Aye
Commissioner Urquilla	Aye
Mayor Turnbow	Aye

Motion passed 9-0-0.

The July 2, 2019 meeting adjourned at 8:02 p.m.

Respectfully submitted,

Jim Cadoret