

PLANNING COMMISSION
GLADSTONE, MISSOURI
Gladstone City Hall
Monday, October 2nd, 2023
7:00 pm

Item 1 on the Agenda: Roll Call.

Present: Gary Markenson
Kate Middleton
Bill Turnage
Mike Ebenroth, Chair
Chase Cookson, Vice Chair
Jennifer McGee
Brenda Lowe, Secretary
Spencer Davis
Steve Beamer

Absent: James New
Cameron Nave
Kim Murch

Council & Staff Present:

John Mullane, City Attorney
Angie Daugherty, Admin. Assistant
Jean B. Moore, Mayor
Alan Napoli, Community Development Administrator/Building Official

Item 2 on the Agenda: Pledge of Allegiance.

Chair Ebenroth led the group in reciting the Pledge of Allegiance to the United States of America.

Item 3 on the Agenda: Approval of the September 5th, 2023 Minutes. Chair Ebenroth asked if there was a motion to approve the minutes from the September 5th meeting.

Mr. Turnage moved to approve the minutes; Mr. Davis seconded. The minutes were approved, 9-0.

Item 4 on the Agenda: Consideration: Marijuana Zoning Amendment. *City Council consideration for this project is scheduled for Monday, October 23, 2023.*

Mr. Mullane stated that cannabis in Missouri became legal for recreational use in November 2022. The first licensed recreational sales occurred in February 2023. The City of Gladstone needs to update Chapter 168. – Medical Marijuana Ordinance to include comprehensive language that is current with the State of Missouri Constitution in regard to recreational marijuana and marijuana facilities.

Mr. Markenson asked how many of these facilities are there in Gladstone.

Mr. Mullane stated that there is currently one facility in Gladstone.

Mr. Markenson asked if usage is prohibited in public.

Mr. Mullane stated that public usage is prohibited subject to the City Council granting a specific license.

Ms. Lowe asked if there was a reason that they didn't have a markup to show exactly what was changed and deleted.

Mr. Mullane stated that he drafted the language and updates that they are seeing now and will certainly include the red-line copy in the City Council packet at the upcoming meeting.

Ms. Lowe stated that it would be helpful. She said she went back to the Gladstone city code and she printed it out. She didn't have the time between when she received the information and this evening to do a comparison. She said it would be helpful to see what was changed if they are talking about amending regulations. She asked if they could get something like that in the future.

Mr. Mullane stated yes, we can provide a red-line copy.

Mr. Cookson asked if there was anything in there that was not directly from the Constitution. He stated that we really don't have a lot of flexibility on what the code will look like.

Mr. Mullane stated that in the Constitution there is a bit of language that says cities cannot expressly prohibit or unduly burden the operation of these facilities through the nature of regulations. He said basically, it is saying you have to permit these in some form or function and that this amendment is to bring our city code in line with the Constitution.

Ms. McGee stated that marijuana facilities are not permitted to be near daycares, schools and churches. She asked if the same restrictions could be applied to parks.

Mr. Mullane stated that they would be running into a legal gray area of what additional things you can rule out. He said they might be able to add it, but based on the Constitution, he is not sure how much you can regulate beyond daycares, schools, and churches.

Mr. Turnage asked how is it monitored or enforced, or if it is on your honor.

Mr. Mullane stated that would be a question for the police department.

Mr. Beamer stated that he works in the industry, and they have regulations that the Department of Health and Senior Services and the Division of State Regulations require that there is signage posted at every facility that prohibits consumption on site. It is the responsibility of the staff at that facility to make sure that no consumer or patient is consuming on site. If they are, then they have to stop it. If they don't stop, staff have to notify police and notify DCR of the violation.

Mr. Ebenroth asked if the rule of firearms not being allowed in a state building could be the same for marijuana facilities.

Mr. Mullane said yes, I believe so.

Ms. Lowe stated that in the future when they are changing regulations or codes, we should have something that is trackable so they know exactly what language is being changed.

Mr. Davis asked if there is anything that is red-lined that he sees that is dramatically different than what is already in the amendment.

Mr. Mullane stated that he didn't make any significant content changes. Simply cleaned up the language, deleted redundancies, and brought the current code into line with the Constitution since the passing of recreational marijuana.

Chair Ebenroth closed the public hearing.

MOTION: By Mr. Markenson, second by Mr. Cookson to approve the Medical Marijuana Amendment.

Vote: Mr. Markenson	Yes
Mr. Turnage	Yes
Ms. Middleton	Yes
Chair Ebenroth	Yes
Ms. McGee	Yes
Mr. Davis	Yes
Mr. Cookson	Yes
Ms. Lowe	Abstained
Mr. Beamer	Yes

The motion carried. (8-1)

Item 5 on the Agenda: Communications from the City Council

Mayor Jean Moore stated that the Site Plan Revision for the gas station and convenience store located at the corner of 72nd Street and Broadway failed at the City Council Meeting by a three-two vote. There are Board and Commission interviews the 13th and 14th of November and if they know of anyone, friends or neighbors, who would like to be on one of the Boards and Commissions, please have them contact Becky Jarrett. Whiskey Fest is taking place this Saturday at Linden Square and it is always a fun event in the City. Also, on November 17th there will be a ribbon cutting for the new Police Headquarters at 10:00 a.m. that morning and everyone is invited.

Ms. Middleton asked Mayor Moore why the vote failed for the Site Plan Revision.

Mayor Moore stated that there was a lot of discussion involved with this site plan and that the residents who spoke at the Planning Commission also spoke at the City Council meeting. I can't speak for all of the City Council people who voted against it, but I think traffic was a primary concern.

Item 6 on the Agenda: Communications from the City Staff

No communications from City Staff.

Item 7 on the Agenda: Communications from the Planning Commission Members

No communications from Planning Commission Members

Item 8 on the Agenda: Adjournment

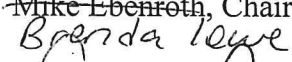
Chair Ebenroth adjourned the meeting at 7:17 p.m.

Respectfully submitted:



Mike Ebenroth, Chair

Approved as submitted ✓




Angie Daugherty, Recording Secretary

Approved as corrected ✓