

THE CITY OF OSAGE BEACH, MISSOURI
PLANNING COMMISSION MINUTES OF THE REGULAR MEETING

January 10, 2023

Call to Order

Chairman Susan Ebling called the Planning Commission of the City of Osage Beach, Missouri, to order at the regular meeting on January 10, 2023 at 6:00 p.m. at City Hall. Everyone stood for the Pledge of Allegiance.

Roll Call

The following Commissioners were present: Bill Mackay, Alan Blair, Gary Jones, Angie Schuster, Nancy Viselli, Chairman Susan Ebling, Mayor Michael Harmison, Tony Kirn, Alderman Bob O'Steen and Bill Morgan. Also present: City Planner Cary Patterson, and Planning Department Secretary Pam Campbell. The following were absent: Jessica Rozier, and City Attorney Ed Rucker. Note: Angie Schuster arrived at 6:01 after the Roll Call.

Minutes - November 8, 2022

Chairman Susan Ebling asked if there were any corrections or comments regarding the November 8, 2022, regular meeting minutes. There were none. *Nancy Viselli made a motion to approve the November 8, 2022 minutes and Bill Morgan seconded the motion. Upon a voice vote, all voted yes, no nays were heard. The motion was passed unanimously.*

New Business

Chairman Susan Ebling said the first order of business was Rezoning Case 420, a request by Rusina Hoffman for a recommendation to approve the Rezoning from C-1 General Commercial to I-1 Light Industrial.

Planner Patterson delivered the following report.

**PLANNING DEPARTMENT REPORT
TO THE
PLANNING COMMISSION**

Date:	January 10, 2023	Case Number:	420
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Applicant: Rusina Hoffman

Location: 987 Village Lane

Petition: Rezoning from C-1 (General Commercial) to I-1 (Light Industry)

Existing Use: Commercial Property

Existing Zoning: C-1 (General Commercial)

Tract Size: 36,004.58 Sq. Ft.

	<u>Surrounding Zoning:</u>	<u>Surrounding Land Use:</u>
<u>North:</u>	C-1 General Commercial	Bar/ Tavern
<u>South:</u>	C-1 General Commercial	Vacant Commercial Property
<u>East:</u>	C-1 General Commercial	Commercial Multi Use
<u>West:</u>	C-1 General Commercial	Auto Sales

The Osage Beach Comprehensive Plan
Designates this area as appropriate for: Heavy Traffic Commercial

Rezoning History Date

Original City zoning adoption

Utilities

<u>Water:</u>	City	<u>Gas:</u>	Private
<u>Electricity:</u>	Ameren	<u>Sewer:</u>	City

Access: Property derives access from Osage Beach Parkway via ingress/egress easement known as Village Lane.

Analysis:

1. The applicant is the owner of the .83-acre parcel in question. The entire parcel is zoned C-1 as it was zoned with the initial zoning of the community in the 1980's.
2. The property is second tier from Osage Beach Parkway within the area between Highway KK and Nichols Road. The corridor contains a mixture of commercial and Industrial uses ranging from retail to the Airport and Hospital.
3. Currently the subject property has one existing structure that serves as the grandfathered, long-time, residence of the applicant. The subject property was once the home of a tow yard that was owned and operated by the owner/applicant and her late husband Don Hoffman.
4. The applicant and family intend to use the existing tow yard and enclosure for a secure boat storage facility. This intended use requires the property be rezoned to I-1 (Light Industry).
5. The Zoning Code addresses uses of this type as appropriate for the I-1 (Light Industrial) zone. The reasoning is that uses of this kind can be both large scale and impact properties differently than other retail or rental uses. Storage of large boats and use of tractors or tow equipment to move them by nature is not suitable to require hard surfacing for parking and drive areas because of the damage that

is imposed when moving it. In these cases, it is more practical to allow gravel surfacing for the storage areas while still requiring hard surfacing for customer and employee parking areas, including those with accessibility needs.

Department Comments and Recommendations:

The City of Osage Beach is a community where finding locations for industrial uses is difficult to say the least. The Parkway Corridor in this general area, however, has a number of properties that are already zoned I-1 (Light Industry) as can be seen on the enclosed "Surrounding Zoning" map, along with a number of activities that are compatible with the uses allowed within the I-1 zone, such as, the storage facilities, airport, and other boat service and storage facilities. Allowing some flexibility as it pertains to use in this portion of the corridor may also provide some answer to the property use and infill needs to promote business growth and increased traffic in the area. The subject property along with several of the adjacent properties would greatly benefit from the added use flexibility provided by the I-1 zone which permits all the uses within the C-1 zone along with some light manufacturing and assembly, storage, freight, laundry mats etc. This particular property was the location of a tow yard for much of its time being used within the community. While the use as a tow yard was established prior to the Zoning Code being adopted by the City, if it were to be reestablished today, the subject property would need to be rezoned to I-1 (light Industry) as is being requested currently. Although the comprehensive plan does recommend heavy traffic commercial for the surrounding properties, that designation includes the majority of the uses within the I-1 zone and by allowing C-1 uses to be located within the I-1 zone; the zoning code itself establishes that C-1 and I-1 uses are compatible and complementary. With this in mind, the Planning Department would recommend approval of this request and would also recommend that the City react positively to any similar requests for adjacent properties that could be made in the future.

Planner Patterson stated Mr. Justin Hoffman was present.

Planner Patterson referred to the map, stating the area outlined in blue was what would be rezoned, but added that there are an additional eight acres not included. He said that acreage has some topographical issues, but could possibly be rezoned later for something like apartments.

Chairman Susan Ebling asked if there were any questions.

Tony Kirn asked if Light Industrial zoning is less tax money for the City.

Planner Patterson stated it was based on use.

There was discussion regarding Commercial and Light Industrial zoning requirements.

Chairman Susan Ebling asked for a motion.

Bob O'Steen made a motion to approve Rezoning Case 420, a request by Rusina Hoffman for a recommendation to approve a Rezoning from C-1 General Commercial to I-1 Light Industrial and Bill Morgan seconded the motion. A roll call vote was taken and the motion was passed unanimously.

Chairman Susan Ebling said the next order of business is a discussion of the proposed addition of Section: 405.586 "Marijuana Facilities" to Chapter 405 "Zoning Regulations" and asked for comments from the staff.

PLANNING DEPARTMENT REPORT
TO THE
PLANNING COMMISSION

Hearing Date: January 10, 2023

Case Number:

none

Action: Addition of 405.586 "Marijuana Facilities" to Chapter 405 "Zoning Regulations."

Analysis:

This is the initial draft document addressing the regulation of Marijuana Facilities within the Corporate City Limits of Osage Beach. The regulations were written in answer to the approval of legalizing adult marijuana use in the State of Missouri as passed by the voters during the election held November 8, 2022.

The City Attorney has not been able to do his complete review of the enclosed regulations and additions at this point, so there may be some further additions or amendments to the enclosed document prior to the meeting. If there are any amendments the City Attorney wants made to the enclosed document, we will get it to you as soon as possible or if necessary, those changes will be presented at the meeting with the necessary information as to why the subject changes are necessary.

Planner Patterson stated the handout given addresses item J in red that the City Attorney added as a prosecuting attorney regarding his ability to enforce.

Gary Jones asked if section A-1 regarding 200 feet from a school or is it 1,000 feet from a school.

Planner Patterson stated it depends on the type of facility. A dispensary is like a liquor store and has the exact same requirements as a liquor store.

Addition to Article VI Additional Zoning District Regulations

Division 3 Marijuana Facilities

Section 405.585: Medical Marijuana Facilities

SECTION 405.586: Marijuana Facilities

"Purpose". The Marijuana Facilities regulations are established to promote the health, safety, morals, and general welfare of the citizens, visitors, and businesses of the City. This Section is intended to govern and provide locations within the City of Osage Beach where Marijuana Facilities can successfully provide their intended services to the citizens and visitors of Osage Beach while maintaining the standard of life to which they have become accustomed.

- A. "Comprehensive Marijuana Dispensary Facility". This use will only be permitted in the "C-1", "I-1" and "I-2" zoning districts after meeting the following minimum requirements:

1. No Comprehensive Marijuana Dispensary Facility shall be permitted within two hundred (200) feet, measured from property line to property line, of any religious institution, elementary or secondary school, or child daycare facility.
 2. Properties proposed to contain a Comprehensive Marijuana Dispensary Facility must be located in one of the previously established zones and also meet one of the following:
 - A. Be located within two thousand (2,000) feet of the Osage Beach Parkway Public Right of Way or the Interchange Right of Way for the Highway 54 Expressway or;
 - B. Be located within one thousand (1,000) feet from the State Highway 42 or State Highway KK Public Right of Way.
 3. No Comprehensive Marijuana Dispensary Facility shall be permitted on a property that is contiguous with the Lake of the Ozarks.
- B. "Comprehensive Marijuana Cultivation Facility". This use will only be permitted in the "A-1" and "I-2" zoning districts after meeting the following minimum requirements:
1. Properties proposed to contain a Comprehensive Marijuana Cultivation Facility must be located in one of the previously established zones and also meet the following:
 - A. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property containing a religious institution, elementary or secondary school, or child daycare facility.
 - B. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property that is zoned residential. This will also include properties zoned "A-1" that contains a previously established residential use and properties zoned "C-1" that have been approved for a Special Use Permit for a residential use in a commercial zone
 2. No Comprehensive Marijuana Cultivation Facility shall be permitted on a property that is contiguous with the Lake of the Ozarks.
- C. "Comprehensive Marijuana Infused Products Manufacturing Facility". This use will only be permitted in the "I-2" zoning district after meeting the following minimum requirements:
1. Properties proposed to contain a Comprehensive Marijuana Infused Products Facility must be located in the previously established zone and also meet the following:
 - A. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property containing a religious institution, elementary or secondary school, or child daycare facility.
 - B. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property that is zoned residential. This will also include properties zoned "A-1" that contain a previously established residential use and properties zoned "C-1" that have been approved for a Special Use Permit for a residential use in a commercial zone.
 2. No Comprehensive Marijuana Cultivation Facility shall be permitted on a property that is contiguous with the Lake of the Ozarks.

- D. "Marijuana Testing Facility". This use will only be permitted in the "I-2" zoning district after meeting the following minimum requirements:
1. Properties proposed to contain a Marijuana Testing Facility must be located in the previously established zone and also meet the following:
 - A. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property containing a religious institution, elementary or secondary school, or child daycare facility.
 - B. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property that is zoned residential. This will also include properties zoned "A-1" that contain a previously established residential use and properties zoned "C-1" that have been approved for a Special Use Permit for a residential use in a commercial zone.
 2. No Marijuana Testing Facility shall be permitted on a property that contiguous with the Lake of the Ozarks.
- E. Parking For Marijuana Facilities. Parking for Medical Marijuana Facilities will be governed by the provisions of Chapter 405 Article IX "Off Street Parking and Loading Requirements"
- F. Signage For Marijuana Facilities. Signage for Medical Marijuana Facilities will be governed by the provisions of Chapter 405 Article V "Signs"
- G. Marijuana Facilities shall not negatively affect adjacent and surrounding properties by means of being noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, light, or glare.
- H. Marijuana Facilities that propose having more than one type of facility on the same property or within the same building, will be required to follow the regulations for the more restricted facility. (For example; as adopted in 2019, a facility containing both a dispensary and cultivation, would be required to locate in the "I-2" zone with the distance requirements for a cultivation facility.)
- I. All other applicable regulations not specifically addressed in this section will be governed by the provisions of the zoning district in which the facility is proposed to be located.
- J. No marijuana facility shall discharge or emit any odor, dust, smoke, gas or other noxious or offensive fume smell or substance.

Additions to Section 405.020 "Definitions"

"Comprehensive Facility" means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products manufacturing facility.

"Comprehensive Marijuana Cultivation Facility" means a facility licensed by the Missouri Department of Health and Senior Services to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones) to a medical facility, comprehensive facility, or marijuana testing facility. A comprehensive marijuana cultivation facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana. A comprehensive marijuana cultivation facility's authority to process marijuana shall include the creation of prerolls. but shall not include the manufacture of marijuana-infused products.

"Comprehensive Marijuana Dispensary Facility" means a facility licensed by the Missouri Department of Health and Senior Services to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient or primary caregiver, as those terms are defined in Article XIV, Section 2.6(5) of the Missouri State Constitution, or to a consumer, anywhere on the licensed property or to any address as directed by the patient. primary caregiver or consumer and consistent with the limitations of Article XIV, Section 2.6(5) of the Missouri State Constitution, and as otherwise allowed by law to a comprehensive facility, a marijuana testing facility, or a medical facility. Comprehensive dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet including from a third party. A comprehensive marijuana dispensary facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana but shall collect all appropriate tangible personal property sales tax for each sale as set forth in Article XIV, Section 2.6(5) of the Missouri State Constitution and provided for by general or local law. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

"Comprehensive Marijuana-Infused Products Manufacturing Facility" means a facility licensed by the Missouri Department of Health and Senior Services to acquire, process, package, store, manufacture, transport to or from a medical facility, comprehensive facility, or marijuana testing facility and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. A comprehensive marijuana-infused products manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.

"Entity" means a natural person, corporation, professional corporation, nonprofit corporation, cooperative corporation, unincorporated association, business trust, limited liability company, general or limited partnership, limited liability partnership, joint venture, or any other legal entity.

"Flowering plant" means a marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

"Infused Preroll" means a consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper, (2) dried flower, buds, and/or plant material, and (3) a concentrate, oil, or other type of marijuana extract, either within or on the surface of the product. Infused prerolls may or may not include a filter or crutch at the base of the product.

"Marijuana" or "marihuana" means Cannabis indica, Cannabis saliva, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the marijuana plant and marijuana-infused products. "Marijuana" or "marihuana" does not include industrial hemp, as defined by Missouri statute, or commodities and products manufactured from industrial hemp.

"Marijuana accessories" means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.

"Marijuana Facility" means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the Missouri Department of Health and Senior Services pursuant to this section but shall not include a medical facility licensed under Article XIV of the Missouri State Constitution.

"Marijuana-Infused Products" means products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof, including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.

"Marijuana Microbusiness Facility" means a facility licensed by the Missouri Department of Health and Senior Services as a microbusiness dispensary facility or microbusiness wholesale facility as defined in Article XIV, Section 2.6(5) of the Missouri State Constitution.

"Microbusiness Dispensary Facility" means a facility licensed by the Missouri Department of Health and Senior Services to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in Article XIV, Section 2.6(5) of the Missouri State Constitution to a consumer, qualifying patient (as that term is defined in Article XIV of the Missouri State Constitution), or primary caregiver, as that term is defined in Article XIV of the Missouri State Constitution, anywhere on the licensed property or to any address as directed by the consumer, qualifying patient, or primary caregiver and, consistent with the limitations of Article XIV of the Missouri State Constitution and as otherwise allowed by law, a microbusiness wholesale facility, or a marijuana testing facility. Microbusiness dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A microbusiness dispensary facility's authority to process marijuana shall include the creation of prerolls.

"Microbusiness Wholesale Facility" means a facility licensed by the department to acquire, cultivate, process, package, store on site or off site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), and marijuana infused products to a microbusiness dispensary facility, other microbusiness, wholesale facility, or marijuana testing facility. A microbusiness wholesale facility may cultivate up to 250 flowering marijuana plants at any given time. A microbusiness wholesale facility's authority to process marijuana shall include the creation of prerolls and infused prerolls.

"Marijuana Testing Facility" means a facility certified by the department to acquire, test, certify, and transport marijuana, including those originally certified as a medical marijuana testing facility.

"Owner" means an individual who has a financial (other than a security interest, lien, or encumbrance) or voting interest in ten percent or greater of a marijuana facility.

"Preroll" means a consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper and (2) dried flower, buds, and/or plant material. Prerolls may or may not include a filter or crutch at the base of the product.

Additions to Section 405.640 "Off-Street Parking Criteria"

"Comprehensive Marijuana Dispensary Facility" One (1) space for each three hundred fifty (350) square feet of total building floor area, plus one (1) space for each employee on maximum shift.

"Microbusiness Dispensary Facility" One (1) space for each three hundred fifty (350) square feet of total building floor area, plus one (1) space for each employee on maximum shift.

Additions to Section 405.210 "C-1 General Commercial District"

Comprehensive Marijuana Dispensary Facilities subject to the use provisions outlined in Section 405.586

Microbusiness Dispensary Facilities subject to the use provisions outlined in Section 405.586

Additions to Section 405.240 "I-2 Heavy Industrial District"

Comprehensive Marijuana Cultivation Facilities subject to the use provisions outlined in Section 405.586

Comprehensive Marijuana Infused Products Manufacturing Facilities subject to the use provisions outlined in Section 405.586

Comprehensive Marijuana Testing Facilities subject to the use provisions outlined in Section 405.586

Microbusiness Wholesale Facilities subject to the use provisions outlined in Section 405.586

Additions to Section 405.130 "A-1 General Agricultural District"

Comprehensive Marijuana Cultivation Facilities subject to the use provisions outlined in Section 405.586

Chairman Ebling asked for a motion.

Bill Morgan made a motion to approve the Addition of 405.586, "Marijuana Facilities to Chapter 405 "Zoning Regulations" and Mayor Michael Harmison seconded the motion. A roll call vote was taken and the motion was passed unanimously.

Chairman Susan Ebling asked if there were any reports.

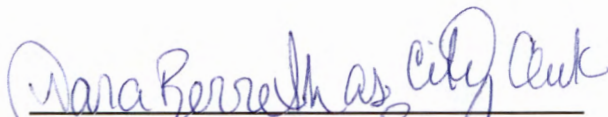
Reports

Planner Patterson stated there will be a lot of activity in 2023 and most will require rezoning. There are a lot of exciting things happening this year regarding TIF and CID and Planner Patterson encouraged the Planning Commissioners to participate in those meetings if possible.

Adjourn

Chairman Susan Ebling adjourned the meeting at 6:24 pm.

I, Pam Campbell, Planning Department Secretary, for the City of Osage Beach, Missouri, do hereby certify that the above foregoing is a true and complete journal of proceedings of the regular meeting of the Planning Commission of the City of Osage Beach, Missouri, held on January 10, 2023.


Pam Campbell
Planning Department Secretary


Nancy Viselli
Planning Commission Secretary