

**CITY OF RAYTOWN
PLANNING & ZONING COMMISSION
MINUTES**

**June 6, 2019
7:00 pm**

**Raytown City Hall
Board of Aldermen Chambers
10000 East 59th Street
Raytown, Missouri 64133**

1. Welcome by Chairperson

2. Call meeting to order and Roll Call

Wilson:	Present	Thurman:	Present	Emerson:	Present
Bettis:	Present	Robinson:	Present	Frazier:	Present
Stock:	Absent	Dwight:	Absent	Cochran:	Absent

3. Approval of April 4, 2019 Meeting Minutes

- a) Revisions – N/A
- b) Motion to approve – Ms. Emerson
- c) Second – Mr. Bettis
- d) Additional Board Discussion – N/A
- e) Vote – Approve (5-0-1) – Mr. Frazier abstained

4. Old Business - None

5. New Business

A. Case No.: PZ-2019-04

Applicant: Javid Chaudhri

Reason: Conditional Use Permit for an auto repair general business with limited auto sales

Introduction of Application by Chair (Mr. Wilson)

1. Explanation of any exparte' communication from Commission members regarding the application

Mr. Bettis said he lives nearby the subject parcel.

2. Enter Additional Relevant City Exhibits into the Record:

- a. Staff report
- b. Conditional Use Permit Application
- c. Application Supporting Documents
- d. Application Permit and Receipt
- e. Public Notice Guide

- f. Neighborhood meeting invite, summary and sign-in sheet
- g. Applicant's site plan and supporting plan documents
- h. Mr. Wilson entered as an exhibit a set of Code Enforcement photos, provided by staff, and taken of the property showing vehicle repair activity on the site on June 5, 2019.

3. Introduction of Application by Staff

Chris Gilbert, Planning & Zoning Coordinator, provided the staff report for the application, showing site location and surrounding zoning, a site plan, and various photos of the site. Mr. Gilbert addressed the history of the building as a Goodyear Tire and Wheel Auto Repair Shop until 2017 and that the property has remained vacant until being purchased this year by Mr. Chaudhri for his son to perform general automotive repair activities with limited sales on the property. Mr. Gilbert addressed the application's compliance with 14 separate and distinct factors required to be analyzed prior to issuance of a Conditional Use Permit. Mr. Gilbert provided the recommendation that the Conditional Use Permit be issued with the 8 conditions of approval listed in the staff report and read all 8 into the record.

4. Presentation of Application by Applicant

Mr. Javaid Chaudhri was sworn in by City Attorney Jennifer Baird. Mr. Chaudhri said his son was home from the military and was trained to work on cars so he purchased the property so his son had a place to start his business.

Chairman Wilson asked Mr. Chaudhri if he would comply with the Conditions of Approval. Mr. Chaudhuri responded he did but added that staff is harassing him. Chairman Wilson pointed out that staff have to go by and take photos in preparation for the Planning Commission meeting and cant help but notice that the business is operating. Mr. Chaudhuri said the cars belong to family. Chairman Wilson asked if he understands the building cant be used at all until the Ordinance is approved. Mr. Chaudhuri said yes.

Commissioner Bettis asked about removal of the sign. Mr. Gilbert said the pole sign is illegal and needs to be removed. Mr. Bettis asked how much the removal and replacement would cost. Mr. Chaudhuri responded about \$20 thousand, adding that containing part of the pole within his new monument sign would reduce the cost. Mr. Gilbert said the applicant could use wall signs as an alternative to installing a monument base at all.

Commissioner Frazier asked about parking lot maintenance. Mr. Gilbert said the requirement is to keep the parking lot in good repair, whether that be through sealing and restriping or replacing badly damaged sections. Mr. Frazier asked if staff could also address maintenance of the adjoining shopping center's parking lot which is not in good repair. Mr. Gilbert said that would be looked into.

Commissioner Thurman asked if the pole sign parts could be reused. Mr. Gilbert said possibly as wall sign canisters but it wasn't very likely and needed to check code to see if block lettering was required or if canisters would be ok.

Commissioner Robinson noted the applicant's delinquent tax accounts. Mr. Chaudhuri said they were all addressed and are not anymore.

Commissioner Frazier asked about auto sales on the property. Mr. Gilbert said limited auto sales can be permitted and is a typical feature of most repair shops to dispose of repaired vehicles that are never picked up by their owners and the Planning Commission can attach a specific number if they so desire. Mr. Frazier asked Mr. Chaudhuri if he could accept a number, to which Mr. Gilbert said 10 would be a max number based on available parking spaces.

Mr. Frazier made a motion to add a number of cars maximum number to which there was no second so motion died.

Chairman Wilson asked staff if the dumpster could be moved. Mr. Chaudhuri said he would consider moving it. Mr. Gilbert said the front section of block could be removed from the existing enclosure to permit a mini rollout to be placed inside and a new gate added as the location was already screened from view.

Mr. Frazier said Mr. Chaudhuri should not work out of the building until the CUP process is finished. Chairman Wilson asked Mr. Chaudhuri if he could instruct his son not to conduct business and Mr. Chaudhuri said he would tell him.

5. Public Comment

Darrell Hardin, 5633 Byrams Ford Rd. Kansas City, Missouri, said he is a mail carrier and has known the Chaudhuri's for many years. He spoke in support of the application. He said they are all military veterans and he knows their character.

6. Board Decision to Approve, Conditionally Approve or Deny the Application

- a. Motion – Mr Bettis moved to approve the Conditional Use Permit with the Conditions in the staff report and adding Condition 9 that staff determine the maximum number of vehicles permitted for sale at any time on the property.
- b. Second – Mr. Frazier
- c. Vote (6-0) – Motion passes unanimously.

B. Case No.: PZ-2019-05

Applicant: City of Raytown

Reason: Zoning Ordinance Amendments Regarding Medical Marijuana

Introduction of Application by Chair (Mr. Wilson)

1. Explanation of any exparte' communication from Commission members regarding the application
None reported.

2. Enter Additional Relevant City Exhibits into the Record:

- a. Staff report
- b. Conditional Use Permit Application
- c. Application Supporting Documents
- d. Application Permit and Receipt
- e. Public Notice Guide
- f. Neighborhood meeting invite, summary and sign-in sheet
- g. Applicant's site plan and supporting plan documents

- h. Mr. Wilson entered as an exhibit a letter from Alderman Derek Ward containing issues with some provisions of the proposed new regulations.
- i. Jennifer Baird, City Attorney swore in speakers for this case.

3. Introduction of Application by Staff

Chris Gilbert, Planning & Zoning Coordinator, provided the staff report for the application, covering each page of the 10 pages of proposed regulations separately with a special split screen Powerpoint presentation containing the brief highlights of each page alongside the actual proposed text.

4. Public Comment

Sherry DeJanes Donovan, 6532 Blue Ridge Cutoff, Raytown, Missouri, said she represents a group seeking a license to open a dispensary in Raytown and questions the 150 foot distance separation to residential for Highway Commercial zone Dispensaries. She also had an issue with the smell test at the property boundary and how that would be measured. She was concerned because they pre-package all their marijuana so there should be no odor hence no requirement for a smell test.

5. Planning Commission Discussion

Ms. Emerson asked if staff had absorbed the new regulations from the state. Ms. Baird responded that staff is working through it and there will be more changes as it evolves.

Ms. Emerson asked about the Rules of Interpretation. Mr. Gilbert explained that they were set up to match state regulations on churches, daycares, and schools but distance measurements to residential would be measured door of Facility to residential boundary and between Medical Marijuana Facilities would be measured door to door.

Ms. Emerson asked if the definitions of marijuana could be clarified to exempt non-THC containing CBD oil from the definition. Mr. Wilson said there is 2 types of CBD Oil, one with THC the other without. Mr. Gilbert said that change could be made easily.

Ms. Emerson asked about the pre-packaged marijuana in Dispensary Facilities. Ms. Donovan said everything in the Facility would be pre-packaged individually in such a way that there should be almost no odor emitted, even inside the facility. Mr. Gilbert said future changes to the state regulations could make odor a more significant issue than it might be now and recommended keeping the language. Mr. Bettis asked if Ms. Donovan's question was answered and she said yes.

Mr. Wilson asked about the definition of Enclosed, Locked, Facility. Mr. Gilbert explained that the only fair way to address view is from ground level not from higher buildings if they happen to exist next to a grower's property and recommended striking the language regarding view from structure at any level.

Mr. Wilson asked about how to address measuring odor. Ms. Baird said nuisance codes do address odors but there is no real way to measure it. Mr. Frazier said he doesn't see the point of the odor clause. Mr. Gilbert said future odor issues could arise as state regulations change over time and it may be helpful to have.

Mr. Wilson asked about the distance separations from facilities. Mr. Gilbert said the 1000 feet separation requirement could be eased or eliminated for Highway Commercial and Manufacturing

zones to permit closer facilities, particularly in the case of 350 Highway where a Dispensary could be located on each side of 350 off north and southbound lanes.

Ms. Emerson asked about waiting so staff has more time to examine the state regulations. Ms. Baird said staff has a good handle on it already. Mr. Frazier suggested needing more time to look at this as well. Mr. Robinson said he supports letting it move forward. Mr. Frazier agreed.

Ms. Emerson asked that the CBD oil issue be addressed in the definitions. Mr. Gilbert said the change could be made.

Ms. Thurman said she was concerned about the distance between dispensaries and potential for crime, considering the cash transactions taking place. Ms. Donovan returned to the stand and explained that banks are now getting into the business and they will have to work with security firms for 24-hour security plans. Ms. Emerson asked that the interim chief be at the Board meetings to talk about policing issues.

Ms. Donovan explained that not all marijuana packages are sealed in her facility and she also took issue with excessive documentation requirements. Ms. Baird said it was realistic to keep these standards.

Chairman Wilson closed the Public Hearing at 9:49 PM.

Mr. Gilbert asked the commissioners to confirm if they wanted to amend the following sections:

- 50-580 to amend definition of Marijuana to exclude non THC CBD oil. Yes, add.
- 50-580(A)2. to amend definition of Enclosed, Locked Facility to remove reference to being visible from a permanent structure at any level. Yes, remove.
- Multiple references to odor measurement at property line. No, leave in place.
- 50-584(a)b. distance separation between Medical Marijuana Facilities in Highway Commercial zones. Yes, remove.
- 50-584(a)d. distance separation from residential of 150 feet in Highway Commercial zones. No, leave in place.
- 50-585(c) distance separation between Medical Marijuana Facilities in Manufacturing zones. Yes, remove.
- 50-585(f) distance separation from residential of 500 feet in Manufacturing zones. No, leave in place.

6. **Board Decision to Approve, Conditionally Approve or Deny the Application**

- d. Motion –Mr. Frazier moved to approve based on staff changes.
- e. Second – Ms. Emerson
- f. Vote (6-0) – Motion passes unanimously.

6. Other Business

7. Future Meeting Date – Thursday, July 11, 2019 at 7:00 PM

8. Adjourn Mr. Bettis, Ms. Emerson second, 6-0 approval to adjourn at 10:00 PM