

AGENDA

**The City of Rolla
Planning & Zoning Commission
Rolla City Council Chambers, 901 North Elm Street
Tuesday, July 11, 2023 at 5:30 PM**

Commission Members:

**Chairman Russell Schmidt, Vice-Chairman Monty Jordan, Secretary-Treasurer Robert Anderson,
Nathan Chirban, Kevin Crider, Janece Martin, Monte Shields, Steve Davis, Vacant**

- I. **APPROVE MINUTES:** Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, June 13, 2023
- II. **REPORT ON RECENT CITY COUNCIL ACTIONS:**
 1. **ZON23-04:** Rezoning of 71 Rose Ct from the R-1, Single-family district to the R-2, Two-family district
- III. **NEW BUSINESS:**
 1. **SUB23-02:** Final Plat of Ozark Terrace, 3rd Addition, a minor subdivision to subdivide one residential lot into two lots at 514 Keeton Rd
- IV. **PUBLIC HEARING:**
 1. **ZON23-05:** Rezoning of a portion of 514 Keeton Rd from the R-1, Single-family district to the R-2, Two-family district
- V. **OLD BUSINESS:**
 1. **TXT23-01:** Amendment to Chapter 42, Sections 42.141 Definitions and 42.233.01-42.233.03, pertaining to zoning regulations of Marijuana businesses
- VI. **OTHER BUSINESS/REPORTS FROM THE CHAIRPERSON, COMMITTEE, OR STAFF:** **NONE**
- VII. **CITIZEN COMMENTS:**

NEXT MEETING DATE:

Tuesday, August 15, 2023

MINUTES
ROLLA PLANNING AND ZONING COMMISSION MEETING
ROLLA CITY HALL COUNCIL CHAMBERS
TUESDAY, JUNE 13, 2023

Presiding: Russell Schmidt, Chairperson

Commission Members Present: Monty Jordan, Janece Martin, Kevin Crider, Nathan Chirban, Robert Anderson

Commission Members Absent: Monte Shields, Steve Davis

I. APPROVE MINUTES: Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, May 9, 2023. Chairperson Russell Schmidt approved the minutes as printed and distributed.

II. REPORT ON RECENT CITY COUNCIL ACTIONS:

1. **ZON23-03:** Rezoning of property at the SW Corner of Richard Dr and Curtis Dr from the C-1, Neighborhood Commercial district to the R-3, Multi-family district
2. **VAC23-01:** Vacation of the rights-of-way of Park Street between 2nd Street and the railroad

III. NEW BUSINESS: NONE

IV. PUBLIC HEARING:

1. **ZON23-04:** Rezoning of 71 Rose Ct from the R-1, Single-family district to the R-2, Two-family district

Tom Coots presents the staff report.

Schmidt opens the public hearing. Seeing no questions from the audience, he closes the public hearing.

Nathan Chirban asks if there was any opposition to the rezoning in that neighborhood. Coots states he did not hear from any citizens that were against the request.

A motion is made by Monty Jordan, seconded by Janece Martin, to recommend approval to the City Council to rezone the subject property from R-1 to R-2. A roll call vote on the motion showed the following: Ayes: Anderson, Chirban, Crider, Jordan and Martin. Nays: None. The motion passes unanimously.

2. **TXT23-01:** Amendment to Chapter 42, Sections 42.141 Definitions and 42.233.01-42.233.03, pertaining to zoning regulations of Marijuana businesses

Coots presents the staff report.

Schmidt asks if the final wording of the state law will be completed before a new location is approved in October. **Coots** comments that the constitutional amendment is not being changed, but the state is making adjustments to their rules. He mentions this is unlikely to affect the decision of the Commission or clarify what locations the dispensaries can locate or change the 1,000 foot separation.

Chirban asks how the separation rule applies between facilities or from neighboring churches, parks, or schools. **Coots** states the 1,000 foot distance as a person could legally walk measures the distances from neighboring structures. Between facilities, this distance is measured as a straight line.

Schmidt opens the public hearing. Seeing no questions from the audience, he closes the public hearing.

Chirban suggests the Commission consider changing the existing separation distance in Rolla's ordinance since the state is using a different method of measuring. **Coots** recommends tabling the case to calculate numbers to see what works best. **Kevin Crider** mentions measuring the existing businesses to get an idea of where future facilities will be.

Schmidt asks if the state gives guidance on how they will measure the separation of medical marijuana dispensaries. **Coots** says the state legislation left it up to the cities to decide. There is a possibility of new adjustments to the state rules for these locations.

Janece Martin asks if an existing dispensary in Rolla met the 1,000 foot distance. **Coots** states he is unsure. **Chirban** asks if it is within this distance, would it then be a nonconforming use. **Coots** comments they would still be able to stay open and the Commission could use them as a standard for future facilities.

Schmidt asks if both the medical and adult use dispensaries could be measured the same way in Rolla. **Coots** comments he will check with the statutes.

A motion is made by Janece Martin, seconded by Nathan Chirban, to table the case to the next meeting on July 11. A roll call vote on the motion showed the following: Ayes: Anderson, Chirban, Crider, Jordan and Martin. Nays: None. The motion passes unanimously.

V. OLD BUSINESS:**NONE****VI. OTHER BUSINESS / REPORTS FROM COMMITTEE OR STAFF:**

1. **Discussion:** Announcement of Old Town Neighborhood Plan project and neighborhood meeting to be held June 15, 2023 at 6:00 at Eugene Northern Community Hall

Coots presents the project.

Chirban asks what the goals are for the neighborhood plan. **Coots** states the plan will cover the infrastructure, examine the zoning to ensure it is appropriate and try to correct problems and issues.

VII. CITIZEN COMMENTS:**NONE**

Meeting adjourned: 6:00 p.m.

Minutes prepared by: Sarah West

NEXT MEETING:

Tuesday, July 11, 2023



Report to:

**Planning and Zoning
Commission**

Case No.: SUB 23-02

Meeting Date: July 11, 2023

Subject: Ozark Terrace, 3rd Addition: A Minor Subdivision to subdivide one residential lot into two lots at 514 Keeton Rd

Background: The applicant seeks to subdivide the lot into two lots. Lot 13B has the existing house and faces Keeton Rd.

Lot 13A would be intended for construction of a duplex facing Lions Club Rd. Lot 13A is also proposed to be rezoned from the R-1, Single-family district to the R-2, Two-family district. The rezoning and subdivision have been submitted concurrently because the rezoning is not necessary to subdivide the property. The lot is divided by an existing sewer line. The lot line between the two lots is located to allow for enough space for the proposed duplex and meet all setbacks.

Application and Notice:

Applicant/Owner - Shawn Coverdell
Public Notice - <https://www.rollacity.org/agenda.shtml>
City Council Date - July 17, 2023

Property Details:

Current zoning - R-1, Single-family (proposed to rezone Lot 13A to R-2, Two-family)
Current use - Single-family and vacant/undeveloped
Land area - Lot 13A: 0.29 (~12,600 SF); Lot 13B: 0.17 (~7,400 SF)

Public Facilities/Improvements:

Streets - The subject property has frontage on Lions Club Rd, a major arterial road; and Keeton Rd, a local street.
Sidewalks - Sidewalks are not located adjacent to the property. Sidewalks may be required at the time of redevelopment.
Utilities - The subject property should have access to all needed utilities, although utilities for Lot 1 are proposed to be provided by a utility easement.

Comprehensive Plan: The Comprehensive Plan designates the subject property as being appropriate for Medium/High Density Residential uses.

Discussion: The proposed plat appears to meet all zoning and subdivision requirements. Direct access to Lions Club Rd would be permitted at this location.

Findings:

1. The proposed minor subdivision would subdivide one residential lot into two lots.
2. The plat appears to be in compliance with all applicable zoning, subdivision, and other requirements.

Alternatives:

1. Find the request meets all applicable requirements and recommend the City Council approve the request.
2. Find that the request could meet all applicable requirements with the imposition of reasonable conditions and recommend that the City Council conditionally approve the request.
3. Find that the request does not meet all applicable requirements and recommend that the City Council deny the request.
4. Find that additional information and discussion is needed prior to making a recommendation and table the request to a certain date.

Prepared by: Tom Coots, City Planner

Attachments: Area Map, Application, Revised Plat



SUBDIVISION APPLICATION

Contact Information:

Property Owner:

Name(s) Shawn Coverdell

Mailing Address 11020 Quail Nest Dr.

City, State, Zip Rolla Mo 65401

Phone 573 201 1172

Email coverdell@hotmail.com

Agent/Applicant (If Different Than Property Owner):

Name _____

Mailing Address _____

City, State, Zip _____

Phone _____

Email _____

Property/Request Information:

- Request: _____ Sketch Plat
 _____ Major Subdivision
 Minor Subdivision
 _____ Replat
 _____ Subdivision Variance
 _____ Vacation of ROW/easement

514 Keeton
Property Address/Location

R-1
Property Zoning

1 existing 1 New
Number of existing and new lots proposed

OTARIK TERRACE 3RD
Name of Subdivision

APPLICATION CHECKLIST:

Applicant Checks Boxes	<input checked="" type="checkbox"/>	Completed Application Form	City Staff Verifies
	<input checked="" type="checkbox"/>	Agent Letter (If Applicable)	
	<input checked="" type="checkbox"/>	Filing Fee - \$300 (Major Subdivision), <u>\$100</u> (Minor Subdivision/Replat); \$350 (Subdivision Variance) + Recording Fee (\$44 or <u>\$69</u>)	
	<input checked="" type="checkbox"/>	Improvement Plans (Final Plats only; 1 paper copy and pdf version)	
	<input checked="" type="checkbox"/>	Plat (5 paper copies and pdf version) or Vacation Exhibit	
	<input type="checkbox"/>	Letter of Request (Subdivision Variance only)	
		<u>6</u>	
		<u>N/A</u>	
		<u>169</u>	
		<u>N/A</u>	
		<u>6</u>	
		<u>N/A</u>	

OFFICE USE ONLY:

Case No: SUB 23-02

DRC Meeting Date: 6.20.23

PC Hearing Date: 7.11.23

Submission Date: 6.16.23

Advertise By: —

CC Hearing Date: 7.17.23/8.7.23

I N F O R M A T I O N :

(Optional) **Sketch Plats** must include the following information (Section 42-32.1):

1. Proposed subdivision name, contact information for property owner, north arrow, scale, date.
2. Location map, general dimensions of property lines, existing easements, ROW's, buildings, cemeteries, watercourses, flood areas, contours, ect.
3. Name, location, dimensions of existing streets; name, width, classification or proposed streets and alleys.
4. Existing utilities and stormwater management facilities on and adjacent to property.
5. Location, dimensions, and configuration of proposed lots.
6. Location and general layout of proposed water and sewer lines.

Preliminary Plats must include the following information (Section 42-32.2):

1. Legal description and boundary line.
2. Name and location of adjoining existing subdivisions, streets, ROW widths, alleys, property lines, ect.
3. Proposed streets with width, centerline, grade, length; dimensions of easements and alleys, ect.
4. Existing property lines, buildings, and utilities.
5. Arrangement, location, dimensions of proposed lots with area, line bearings, angles, and setbacks.
6. Location, dimensions, and area of land to be dedicated or reserved for common ownership.
7. Contour lines, water courses, ravines, culverts, bridges, ponds, ect.
8. Proposed sewer lines, storm sewer lines, drainage facilities, bridges, ect. and easements

Final Plats must include the following information (Section 42-32.3):

1. Items shown on Preliminary Plat except contours, land features, street grades, and utilities.
2. Plat restrictions and restrictive covenants regarding building permits.
3. Dedication deed for easements, streets, alleys, parkland, ect.
4. Access limitation and improvement acceptance notes.
5. Planning and Zoning Commission and City Council approval.
6. City and County tax release.
7. Surveyors and Recorders Certificate.

Note: A Major Subdivision must include a Preliminary Plat. A Major Subdivision is a subdivision which creates (5) or more lots and/or requires the extension of streets.

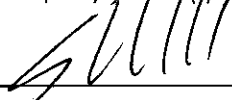
Vacations of rights-of-way or easements must include a Vacation Exhibit which shows property lines, buildings, utilities or public infrastructure within 30 feet of the area to be vacated. Property lines and building locations must be based on a survey. Utility locations may be from field observations, GIS, utility companies, and/or field markings.

Acknowledgement and Authorization:

The owner(s) understand and agree that the application will be placed on hold until a complete application and all required items on the checklist are received. The owner(s) understand and agree to permitting employees of the City of Rolla to enter the subject property for purposes of posting a yard sign(s), retrieving the yard sign(s), taking photographs of the property/building(s), and investigating the property for pertinent information related to the request. Should ownership of the property change after the application is submitted, authorization is required from the new owner to continue with the review of the request, or the request will be withdrawn from consideration. The undersigned understands that refunds may be provided if the request is withdrawn prior to the Planning Commission hearing, less any costs already incurred.

Property Owner(s):

Applicant/Agent (If Different From Owner)

 Shawn Coverdell

Sign

Print

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Report to:

**Planning and Zoning
Commission**

Case No.: ZON23-05

Meeting Date: July 11, 2023

Subject: Map Amendment (rezoning): A portion of 514 Keeton Rd from the R-1, Single-family district to the R-2, Two-family district

Background: The applicant seeks to construct a duplex on the subject property. The applicant has submitted a minor subdivision for concurrent review. Only the northern lot of the subdivision is proposed to be rezoned.

Application and Notice:

Applicant/Owner - Shawn Coverdell
Public Notice - Letters mailed to property owners within 300 feet; Legal ad in the Phelps County Focus; signage posted on the property; <https://www.rollacity.org/agenda.shtml>
City Council Date - July 17, 2023

Property Details:

Current zoning - R-1, Single-family to be rezoned to R-2, Two-family
Current use - Vacant/undeveloped
Proposed use - Two-family
Land area - About 12,600 Sq. Ft.

Public Facilities/Improvements:

Streets - The subject property has frontage on Lions Club Rd, a major arterial road.
Sidewalks - Sidewalks are not located adjacent to the property. Sidewalks may required at the time of development.
Utilities - The subject property should have access to all needed public utilities.

Comprehensive Plan: The Comprehensive Plan designates the property as being appropriate for Medium/High Density Residential uses.

Discussion: The subject property is located adjacent to Lions Club Road, in an area of residential uses, but between commercial lots at the ends of the block. Public Works will allow direct access to Lions Club Rd in this area.

Single-family uses may not be appropriate adjacent to a major roadway. Given the location between commercial uses, it is possible that the strip along Lions Club Road may also be appropriate for commercial uses. However, the adopted Comprehensive Plan indicates that higher density residential uses should be appropriate in this location. Other duplex lots fronting on Lions Club Rd are located about a block away.

Rezoning Approval Criteria:

A rezoning application must be reviewed to ensure that the following criteria are considered:

1. Consistency with the intent of the adopted Comprehensive Plan;
2. Changed or changing conditions in the neighborhood;
3. Compatibility with the uses permitted in the immediate vicinity;
4. Adequacy or availability of utility service and facilities;
5. Impacts on vehicular and pedestrian traffic safety;
6. Correction of an error in the application of this Article;
7. Viability of economic uses of the subject property if the proposed rezoning is denied; and
8. Relevant information submitted at the public hearing.

Findings:

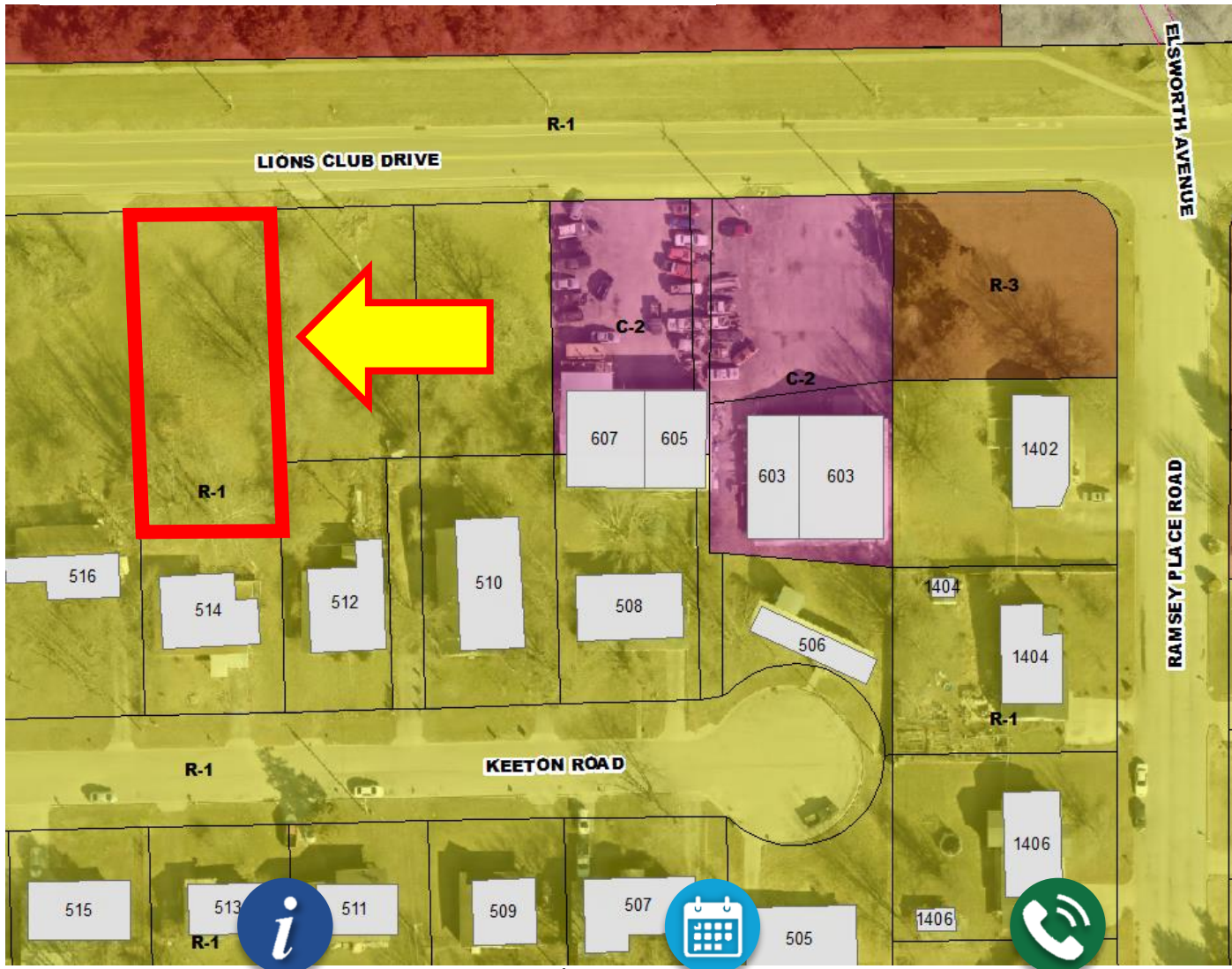
1. The Comprehensive Plan does designate the subject property as being appropriate for medium/high-density residential uses.
2. R-2 lots with duplexes fronting on Lions club Rd are located about a block away.
3. Direct access to Lions Club Rd would be permitted at this location.

Alternatives:

1. Find the request meets the criteria for approval and recommend the City Council approve the request for a map amendment (rezoning) of the subject property.
2. Find that the proposed map amendment (rezoning) is not an appropriate use for the property and recommend that the City Council deny the request.
3. Find that additional information and discussion is needed prior to making a recommendation and table the request to a certain date.

Prepared by: Tom Coots, City Planner

Attachments: Public Notice Letter; Application



Project Information:

Case No: ZON23-05
 Location: 514 Keeton Rd
 Applicant: Shawn Coverdell
 Request:
 Rezoning from R-1, Single-family Residential to R-2, Two-family Residential

Public Hearings:

Planning and Zoning Commission
July 11, 2023
5:30 PM
 City Hall: 1st Floor

 City Council
July 17, 2023
6:30 PM
 City Hall: 1st Floor

For More Information Contact:

Tom Coots, City Planner
 tcoots@rollacity.org

 (573) 426-6974
 901 North Elm Street
 City Hall: 2nd Floor
 8:00 – 5:00 P.M.
 Monday - Friday



Who and What is the Planning and Zoning Commission?

The Planning and Zoning Commission is an appointed group of citizens from Rolla who are charged with hearing and deciding land use applications, such as zoning and subdivisions. The Commission takes testimony and makes a recommendation to the City Council.

What is a Rezoning (Map Amendment)?

A Rezoning is a request to change the zoning of a property from one zoning district to another. Usually a rezoning would allow for a property to be used differently than in the past, or may allow for development or redevelopment.

What is Zoning?

The City of Rolla has adopted zoning regulations that divide the city into separate areas that allow for specified uses of property. For example, generally only residential uses are allowed in residential zones; commercial uses in commercial zones; etc..

How Will This Impact My Property?

Each case is different. Adjacent properties are more likely to be impacted. Please contact the Community Development Office at (573) 426-6974 if you have any questions.

What If I Have Concerns About the Proposal?

If you have any concerns or comments, please try to attend the meeting. You may learn details about the project at the meeting. You will be given an opportunity to ask questions or make comments.

You do have the right to gather signatures for a petition. If a petition is received by 30% of the land owners (by land area) within 185 feet of the subject property, such request would require approval of 2/3 of the City Councilors. Please contact the Community Development Office for a property owner list.

What If I Cannot Attend the Meeting?

Please try to attend the meeting if you have any questions or concerns. However, if you are unable to attend the meeting, you may provide written comments by letter or email. These comments will be presented to the Board.

What If I Have More Questions?

Please contact the Community Development Office if you have any additional questions.

LEGAL DESCRIPTION

Lot 13A, Ozark Terrace
Third Addition, Rolla,
Phelps County, Missouri



pd cc



COMMUNITY DEVELOPMENT DEPARTMENT
901 North Elm St
Rolla, MO 65401
P.O. Box 979

573-364-5333 + www.rollacity.org/comdev

LAND USE APPLICATION

Contact Information:

Property Owner: Shawn Couverdell

Name(s) 11020 Quail Nest Dr

Mailing Address Rolla MO 65401

City, State, Zip 573 201 1172

Phone couverdell@hotmail.com

Email

Agent/Applicant (If Different Than Property Owner):

Name

Mailing Address

City, State, Zip

Phone

Email

Property/Request Information:

Request: Rezoning
 Planned Unit Development
 Conditional Use Permit
 Annexation
 Text Amendment

514 Keeton Rd - Lot split

Property Address/Location

Only New lot From R1 to R2

Property Zoning (Current and Proposed)

Proposed Development/Project/Amendment

APPLICATION CHECKLIST:

Applicant Checks Boxes	<input type="checkbox"/>	Completed Application Form	<input type="checkbox"/>	City Staff Verifies
	<input type="checkbox"/>	Agent Letter (If Applicable)	<input type="checkbox"/>	
	<input type="checkbox"/>	Filing Fee (\$375 (Rezoning/CUP); \$475 (PUD); \$300 (CUP/PUD Amendment); \$62.50 (Annexation for advertisement))	<input type="checkbox"/>	
	<input type="checkbox"/>	Legal Description (Unplatted and Irregular Lots Only)	<input type="checkbox"/>	
	<input type="checkbox"/>	Site Plan (If Applicable)	<input type="checkbox"/>	
	<input type="checkbox"/>	Letter of Request/Project Report (If Applicable)	<input type="checkbox"/>	

OFFICE USE ONLY:

Case No: 2023-05 DRC Meeting Date: 6.20.23 PC Hearing Date: 7.11.23

Submission Date: 6.13.23 Advertise By: 6.22.23 CC Hearing Date: 7.17.23 / 8.7.23

I N F O R M A T I O N :

Rezoning (Map Amendments) are *reviewed* to meet the following criteria:

1. Consistency with the intent of the Rolla Comprehensive Plan.
2. Changed or changing conditions in the neighborhood.
3. Compatibility with other properties in the immediate vicinity.
4. Adequacy of utility service and facilities.
5. Impact on vehicular and pedestrian traffic safety.
6. Correction of an error in the application of the zoning regulations.
7. Viability of economic use of the subject property if rezoning is denied.
8. Relevant information received at the public hearing.

PUD's (Planned Unit Developments) are *reviewed* to meet the following goals:

1. Implementation of the Rolla Comprehensive Plan.
2. Efficient use of land to protect/preserve natural features of the land.
3. Harmonious and coherent site and building design to create a sense of place.
4. Direction of development to existing or proposed transportation and utility facilities.

CUP's (Conditional Use Permits) are *reviewed* to meet the following standards:

1. Compliance with zoning district regulations.
2. Impact to traffic or pedestrian safety and mitigation.
3. Not dominating the immediate neighborhood.
4. Provision of adequate parking facilities.
5. Adequacy of utilities and drainage facilities.
6. Compatibility with surrounding vicinity.

Annexation requests must include a *notarized* petition that includes the following statements:

1. That the all property owners or agents have signed the application.
2. That the property is not part of any incorporated municipality and is contiguous to the city of Rolla limits.
3. That the applicants request to be annexed as authorized by RSMo. Section 71.012.

Text Amendment requests must include a letter/report with includes the following:

1. Reasons for amending the codes and demonstrating that the request serves the general welfare and preserves the community interest.
2. Proposed modifications with proposed language in underline and language to be removed in ~~strikethrough~~.

Acknowledgement and Authorization:

The owner(s) understand and agree that the application will be placed on hold until a complete application and all required items on the checklist are received. The owner(s) understand and agree to permitting employees of the City of Rolla to enter the subject property for purposes of posting a yard sign(s), retrieving the yard sign(s), taking photographs of the property/building(s), and investigating the property for pertinent information related to the request. Should ownership of the property change after the application is submitted, authorization is required from the new owner to continue with the review of the request, or the request will be withdrawn from consideration. The undersigned understands that refunds may be provided if the request is withdrawn prior to the Planning Commission hearing, less any costs already incurred.

Property Owner(s)

 Shawn Corvade

Sign

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Applicant/Agent (If Different From Owner)

Sign

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Sign

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Report to:

**Planning and Zoning
Commission**

Case No.: TXT23-01

Meeting Date: July 11, 2023

Subject: Text Amendment to Chapter 42, Sections 42.141 Definitions and 42.233.01-42.233.03, pertaining to zoning regulations of Marijuana businesses

Background: Medical Marijuana was approved in Missouri in 2019. The zoning code was amended in 2019 to include medical marijuana uses and delineate zoning districts in which such businesses are allowed. Since that time, two medical marijuana dispensaries opened in Rolla.

Adult Use Marijuana was approved in Missouri in 2022. The state laws allowed for a process for existing medical marijuana dispensaries to be converted into dispensaries which could sell both medical marijuana and adult use marijuana. Both existing dispensaries in Rolla have received the state licenses to allow the conversion and currently sell marijuana and marijuana products as allowed by state law.

The Missouri Department of Health and Senior Services, which is charged with regulation of marijuana businesses, will begin issuing licenses for additional marijuana business locations in October, 2023.

The amendments to the zoning code are intended to modify the codes to essentially treat both medical marijuana businesses and adult use marijuana businesses the same by creating a definition to combine them together.

The state statutes also require that the adult use business separation requirements be measured in a certain way. The proposed amendment clarifies how each is measured in the event that a dispensary that only sells medical marijuana is proposed. The separation distance for adult use marijuana businesses is measured as one can legally walk, rather than a straight line. This makes producing maps to show where such uses may or may not be located almost impossible. Potential sites will have to be reviewed on a case-by-case basis.

The Planning and Zoning Commission conducted a public hearing at the June 13, 2023 meeting. The Commission voted to table the discussions to the July 11, 2023 meeting date to allow additional time for consideration. A map has been prepared to show the properties on which a dispensary is permitted and the locations of churches, schools, and daycares. Additional information will be presented at the meeting showing the impacts of the separation distances.

Application and Notice:

Applicant - City of Rolla
Public Notice - Phelps County Focus; <https://www.rollacity.org/agenda.shtml>
City Council Date - July 17, 2023

Discussion: The proposed amendment would allow for new marijuana businesses to be located in the city much the same as had been allowed for the medical marijuana businesses a few years ago. Additional businesses may be approved by the state later this year. The amendment will clarify where those businesses may locate in the city.

Findings:

1. The changes to the zoning code are needed as a result of changes to the state laws allowing adult use marijuana businesses.
2. The proposed revisions clarify that such businesses are treated the same as the medical marijuana businesses.
3. The separation requirements for adult use marijuana businesses is measured in a different way than was measured for the medical marijuana businesses.
4. Missouri DHSS will begin approving additional marijuana business licenses in October 2023.

Alternatives:

1. Find the proposed changes to the zoning code are necessary and recommend the City Council approve the proposed changes to the zoning code.
2. Find the proposed changes to the zoning code are necessary and recommend the City Council approve the proposed changes to the zoning code, with stated revisions.
3. Find that additional information and discussion is needed prior to making a recommendation and table to a certain date.

Prepared by: Tom Coots, City Planner

Attachments: Draft of proposed text amendment; Marijuana Dispensary Study Map

Sec 42.454 ~~Medical~~ Marijuana Uses

Definitions. The following definitions apply to the ~~Medical~~ Marijuana Uses section:

Marijuana or Marihuana: Cannabis Indica, Cannabis sativa, and Cannabis ruderals, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as seed thereof and resin extracted from the plant and marijuana-infused products. Marijuana does not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

Marijuana-Infused Products: products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures, and concentrates.

~~*Medical Marijuana Cultivation Facility:* a facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a ~~Medical~~ Dispensary Facility, ~~Medical~~ Marijuana Testing Facility, or to a ~~Medical~~ Marijuana-Infused Products Manufacturing Facility.~~

~~*Medical Marijuana Dispensary Facility:* A facility licensed by the State of Missouri where Marijuana and/or Marijuana-Infused Products are dispensed for Medical or adult use. 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 as set forth in Article XIV of the Missouri State Constitution.~~

~~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 as provided for in this section to a qualifying patient, a primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana-Infused Projects Manufacturing Facility.~~

~~*Medical Marijuana-Infused Products 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, a ~~Medical~~ Marijuana Test Facility, or to another ~~Medical~~ Marijuana-Infused Projects Facility.~~

~~*Medical Marijuana:* Marijuana that is available only to a qualified patient under the Missouri State Constitution to receive Medical Marijuana.~~

~~marijuana that is available only by prescription and used to treat a variety of medical conditions.~~

~~*Medical Marijuana Patient:* a person qualifying under the Missouri State Constitution to receive Medical Marijuana.~~

~~*Medical Marijuana Testing Facility:* a facility certified by the State of Missouri, to acquire, test, certify, and transport marijuana.~~

~~*Medical Marijuana Use* means any facility or premises which is used for a ~~Medical~~ Marijuana Dispensary, Infused Products Facility, or Cultivation Facility.~~

Medical Marijuana Use means any facility or premises which is used for a Dispensary, Infused Products Facility, or Cultivation Facility which only provides services or produces products intended only for Medical Marijuana Patients or the primary caregiver of a Medical Marijuana Patient.

"Then existing" means any school, child day-care center, or church with a written building permit from the city to be constructed, or under construction, or completed and in use at the time the prospective state applicant for a Medical Marijuana Use first notifies the City of Rolla of the applicant's contingent legal right to operate at the proposed location by putting the subject property under contract.

General. The following generally applies to ~~Medical~~ Marijuana Uses:

- a. In determining compliance with the measured separation, the distance shall be determined by the nearest building corner of the Medical Marijuana Use applicant to the nearest building corner of any school, church or regular place of worship as measured in a straight line.
- b. In determining compliance with the measured separation, the distance shall be determined by the nearest building corner of the Marijuana Use applicant to the nearest building corner of any school, church or regular place of worship as measured by the shortest path between the demarcation points that can be lawfully traveled by foot; or pursuant to guidance provided by the Missouri Department of Health and Senior Services.
- c. Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of any ~~Medical~~ Marijuana Use facility during regular business hours.
- d. Display of Licenses Required. The ~~Medical~~ Marijuana Use license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front entrance of the facility.

~~Medical~~ Marijuana Dispensaries. No Building shall be constructed, altered or used for a ~~Medical~~ Marijuana Dispensary without complying with the following regulations in this section ~~subchapter~~:

- 1) No ~~Medical~~ Marijuana Dispensary shall be located within 500' (five hundred feet) of a then existing elementary or secondary school, child daycare center, or church. ~~Measurement shall be in a method consistent with the city's existing liquor license measurement standard.~~
- 2) * ~~"Then existing" shall mean any school, child day-care center, or church with a written building permit from the city to be constructed, or under construction, or completed and in use at the time the prospective state applicant for a Medical Marijuana Dispensary first notifies the City of Rolla of the applicant's contingent legal right to operate at the proposed location by putting the subject property under contract.~~
- 3) ~~Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a Medical Marijuana Dispensary building.~~
- 4) Hours of Operation. All sales or distribution of ~~Medical~~ Marijuana and any other products sold to the public through a ~~Medical~~ Marijuana Dispensary shall take place between the hours of 8:00 a.m. and 8:00 p.m., Monday – Sunday. ~~Medical~~ Marijuana Dispensaries shall be secured and closed to the public after the hours listed in this subsection and no persons not employed by the ~~Medical~~ Marijuana Dispensary may be present in such a facility at any time it is closed to the public.
- 5) ~~Display of License Required. The Medical Marijuana Dispensary license issued by the State of Missouri shall be prominently displayed in a highly visible location, easily seen by patients on the dispensary's sales floor.~~
- 6) Site Plan Review. Any plans for a ~~Medical~~ Marijuana Dispensary shall meet the standard new construction requirements.

- 7) Spacing. No ~~Medical~~ Marijuana Dispensary shall be operated or maintained within 500' (five-hundred feet) of another ~~Medical~~ Marijuana Dispensary except when marijuana sales represent less than 5% of the dollar volume of ~~sales a state or federally licensed pharmacy.~~

~~Medical~~ Marijuana-Infused Products Facility. No building shall be constructed, altered or used for a ~~Medical~~ Marijuana-Infused Products Facility without complying with the following regulations:

1. Distance Requirement. No ~~Medical~~ Marijuana-Infused Products Facility using any shall be located within 500' (five-hundred feet) of a then existing elementary or secondary school, licensed child day care center, or church.
2. Outdoor Operations or Storage. All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a razor wire fence at least ten (10) feet in height, not including the razor wire.
3. ~~Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of any Medical Marijuana-Infused Products Facility during regular business hours.~~
4. Hours of Operation. All ~~Medical~~ Marijuana-Infused Products Facilities shall be closed to the public, between the hours of 10:00 p.m. and 8:00 a.m. No persons not employed by the business shall be on the premises at any time without being approved entry and logged in by building security personnel and are required to obtain a visitor pass.
5. ~~Display of License Required. The Medical Marijuana-Infused Products Facility license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front desk of the facility.~~
6. Site Plan Review Required. Any plans for a ~~Medical~~ Marijuana-Infused Products Facility shall meet standard new construction requirements.

~~Medical~~ Marijuana Cultivation Facility. No building shall be constructed, altered or used for a ~~Medical~~ Marijuana Cultivation Facility without complying with the following regulations:

1. Distance requirement. No ~~Medical~~ Marijuana Cultivation Facility shall be located within 1,000' (one thousand feet) of a then existing elementary or secondary school, state-licensed child daycare center or church.
2. Outdoor Operations or Storage. All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a razor wire fence at least 10 feet in height, not including the razor wire.
3. ~~Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of any Medical Marijuana Cultivation Facility during regular business hours.~~
4. Hours of Operation. All ~~Medical~~ Marijuana Cultivation Facilities shall be closed to the public, between the hours of 10:00 p.m. and 8:00 a.m. No persons not employed by the business shall be on the premises at any time without being approved entry and logged in by building security personnel and are required to obtain a visitor pass.
5. ~~Display of Licenses Required. The Medical Marijuana Cultivation Facility license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front entrance of the facility.~~
6. Site Plan Review Required. Any plans for an indoor "~~Medical~~ Marijuana Cultivation Facility" shall meet the standard new construction requirements of the "~~Heavy~~ Manufacturing District" outlined in this Title. Any outdoor "~~Medical~~ Marijuana Cultivation Facility" shall meet the standard requirements for any other crop, except as otherwise set forth herein. No outdoor "~~Medical~~ Marijuana Cultivation Facility" shall be permitted within 1,000' (one thousand feet) of

a then existing elementary or secondary school, state-licensed child daycare center or church* or within 1,000' (one thousand feet) from any residentially zoned property.

DIVISION 9. "C-2" GENERAL RETAIL DISTRICT

Sec. 42-189.1. Uses Permitted.

(18) ~~Medical~~ Marijuana Dispensary Facility.

Sec. 42-189.2. Conditional uses that may be permitted by the Planning and Zoning Commission and the City Council in accordance with Section 42-234.

(8) ~~Medical~~ Marijuana Testing Facility.

DIVISION 10. "C-3" HIGHWAY COMMERCIAL DISTRICT

Sec. 42-192.2. Conditional Uses.

In accordance with Division 16 of this Article and with the issuance of a Conditional Use Permit, the following uses are permitted in the C-3 zoning district.

(10) ~~Medical~~ Marijuana-Infused Products Facility

DIVISION 11. "CC" CENTER CITY DISTRICT

Sec. 42-194.1. Uses Permitted.

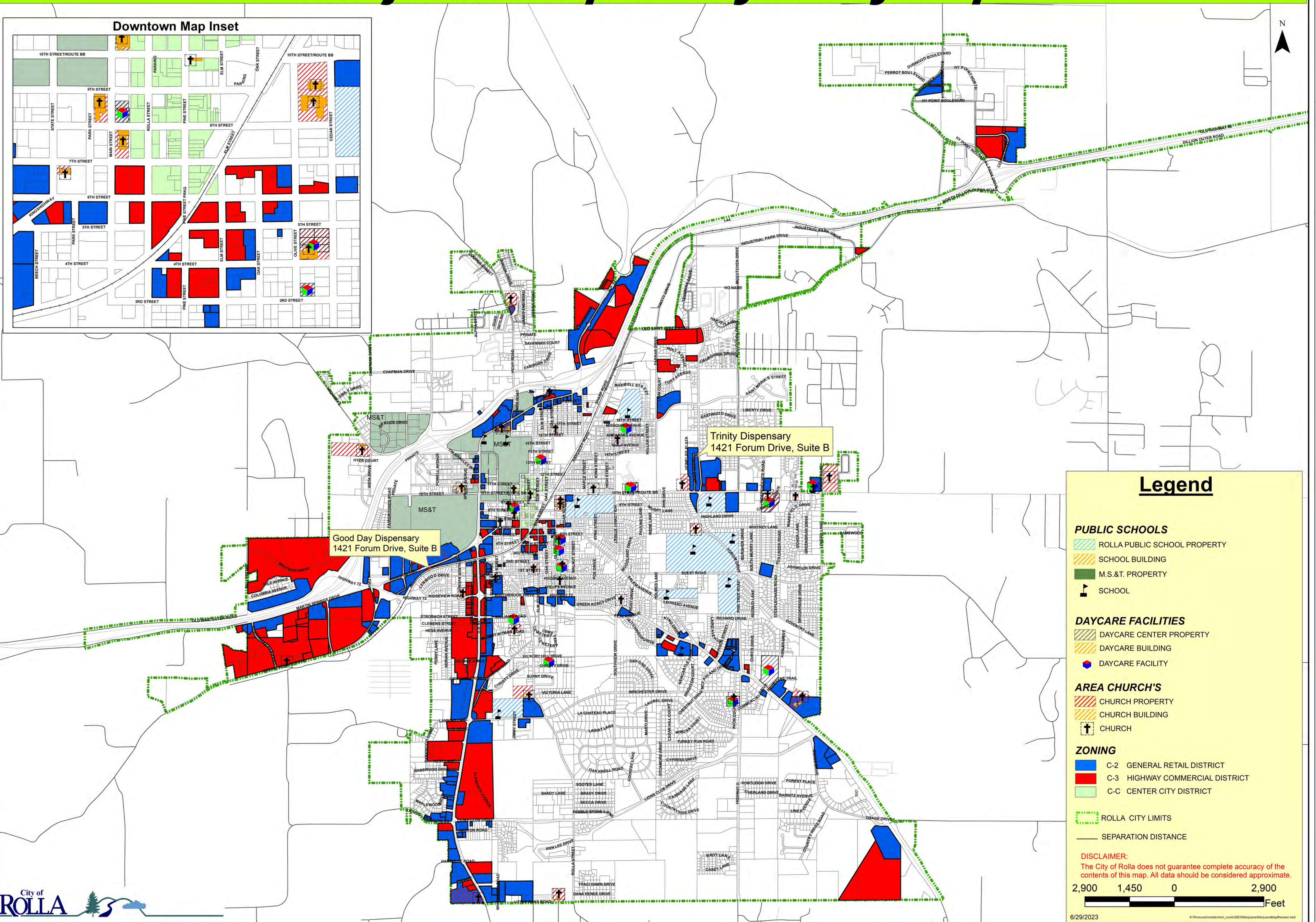
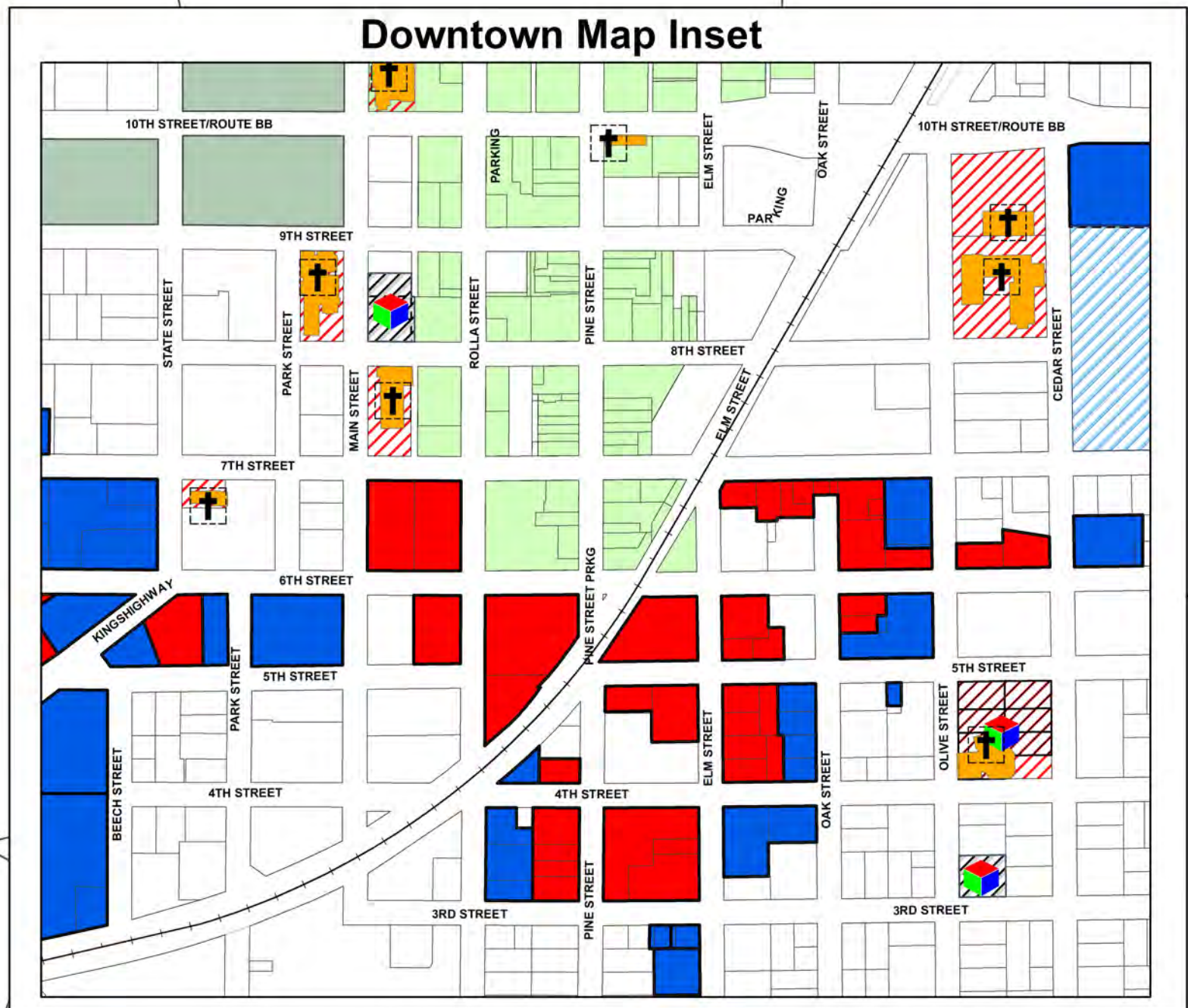
(4) ~~Medical~~ Marijuana Dispensary Facility.

DIVISION 12. "M-1" LIGHT MANUFACTURING DISTRICT

Sec. 42-196.1 Uses Permitted.

(54) ~~Medical~~ Marijuana Cultivation Facility; ~~Medical~~ Marijuana-Infused Products Facility.

Marijuana Dispensary Study Map



Legend

- PUBLIC SCHOOLS**
- ROLLA PUBLIC SCHOOL PROPERTY
 - SCHOOL BUILDING
 - M.S.&T. PROPERTY
 - SCHOOL

- DAYCARE FACILITIES**
- DAYCARE CENTER PROPERTY
 - DAYCARE BUILDING
 - DAYCARE FACILITY

- AREA CHURCH'S**
- CHURCH PROPERTY
 - CHURCH BUILDING
 - CHURCH

- ZONING**
- C-2 GENERAL RETAIL DISTRICT
 - C-3 HIGHWAY COMMERCIAL DISTRICT
 - C-C CENTER CITY DISTRICT

- ROLLA CITY LIMITS
- SEPARATION DISTANCE

DISCLAIMER:
The City of Rolla does not guarantee complete accuracy of the contents of this map. All data should be considered approximate.

