

MINUTES  
INDEPENDENCE CITY PLANNING COMMISSION  
February 28, 2023

**MEMBERS PRESENT**

Cindy McClain, Chair  
Bill Preston, Vice-Chair  
Virginia Ferguson  
Butch Nesbitt  
Laurie Dean Wiley  
\*Heather Wiley

**STAFF PRESENT**

Rick Arroyo – Assistant Director  
Anthony Hernandez – Assistant City Attorney

\*Commissioner H. Wiley attended virtually via Microsoft Teams.

A meeting of the Independence City Planning Commission was held at 6:00 p.m. on February 28, 2023, in the Independence City Hall Council Chambers, 111 E. Maple Ave. The meeting was called to order.

**CONSENT AGENDA**

**1. Planning Commission Minutes – February 14, 2023**

**Motion**

Commissioner Preston made a motion to approve the Consent Agenda. Commissioner Nesbitt seconded the motion. The motion passed with six affirmative votes.

**PUBLIC HEARINGS**

**Case 23-175-01 – UDO Amendment #56 – Marijuana Facilities**

**Staff Presentation**

Rick Arroyo advised on November 8, 2022, the voters of Missouri approved recreational marijuana through a constitutional amendment, known as Amendment 3. This amendment only allows cities to regulate the time, place and manner of these uses provided these regulations cannot be unduly burdensome. The proposed UDO changes are similar to the UDO changes associated with the Medical Marijuana after the passage of Amendment 2 in 2018.

Mr. Arroyo noted this UDO amendment is organized into four sections. The first amends the definition found in Section 14-201 by adding terms associated with the recreational marijuana amendment. Similar to the Medical Marijuana changes, we added the definitions found in the recreational marijuana Constitutional Amendment. He stated the next two sections (Section 14-301-03 and 14-302-03) adds the new recreational marijuana uses to the use tables in the office, commercial and industrial districts. Staff placed the new uses in the UDO to line up with similar medical marijuana uses. The fourth section amends the existing Section 14-421 Medical Marijuana Facilities removing Medical so these regulations would apply to all marijuana facilities, adds security requirements, minimum age requirements, permanent location requirements, paraphernalia and disposal requirements associated with the recreational marijuana amendment. These additions were from the recreational marijuana amendment.

In response to Commissioner Nesbitt's question, Mr. Arroyo stated most businesses can operate from 8:00 a.m. to 10:00 p.m., so those hours were applied here to keep it consistent. Assistant

City Attorney Anthony Hernandez advised when writing this ordinance, the time and place were already in the code for medical marijuana, so those were kept the same. Commissioner Nesbitt stated he'd like these businesses to be able to set their own hours without restriction.

Commissioner L. Wiley advised she believes there should be a limit on the hours these businesses can be open. In response to Commissioner L. Wiley's question, Mr. Arroyo stated the City Council can make changes to this ordinance once it goes before them for consideration.

In response to Commissioner L. Wiley's question, Mr. Arroyo said these businesses will have an annual business license and would be subject to inspection. If there was a complaint about ventilation, business license staff would investigate.

In response to Commissioner L. Wiley's question, Mr. Hernandez stated those transporting marijuana will have a license/permit to do so. If they were pulled over, they would present that license/permit to the police officer.

In response to Commissioner L. Wiley's question, Mr. Hernandez advised marijuana businesses will have to dispose of marijuana in a secured waste receptacle.

In response to Commissioner L. Wiley's question, Mr. Arroyo stated staff would be advised of the new ordinance changes and be provided any training needed. Mr. Hernandez advised police also have ordinance changes coming forward and they will be trained on those changes.

#### **Public Comments**

No public comments.

#### **Commissioner Comments**

Commissioner Nesbitt questioned if the security requirements are from the state. Mr. Hernandez stated some security of these facilities is required. He advised this is consistent with other surrounding cities ordinances. Mr. Arroyo noted this is consistent with other businesses that are required to have security. He said these businesses will be subject to inspection and staff would look for security cameras during those inspections.

In response to Commissioner Nesbitt's question, Mr. Arroyo stated these businesses would be subject to Health Department inspections. Mr. Hernandez noted there will be additional rules and regulations coming from the state that will have to be addressed.

Commissioner Nesbitt stated he doesn't believe those selling it should be told when they can sell marijuana. He said Grandview allows 24-hour sales and the City is trying to make money on the sales tax. Commissioner H. Wiley stated she doesn't believe dispensaries need to be open all night.

#### **Motion**

Commissioner Nesbitt made a motion to amend Section 14-421-05 to allow sales 24-hours a day. The motion failed, for lack of a second.

Commissioner Preston made a motion to approve Case 23-175-01 – UDO Amendment #56 Marijuana Facilities. Commissioner L. Wiley seconded the motion. The motion passed with six affirmative votes.

#### **ADJOURNMENT**

*The meeting was adjourned at 6:35 p.m.*