

AN ORDINANCE AMENDING SECTION 405.050.A.34.e, SPECIAL USE STANDARDS – MARIJUANA DISPENSARY, OF THE CODE OF ORDINANCES, CITY OF BLUE SPRINGS, MISSOURI, TO AMEND THE HOURS OF OPERATION FOR A MARIJUANA DISPENSARY TO BE OPEN TO THE PUBLIC FROM 8:00 AM TO 10:00 PM

WHEREAS, the City of Blue Springs adopted a Unified Development Code (UDC) in 1996 by passage of Ordinance No. 2738 on November 18, 1996, and readopted an amended Unified Development Code on August 3, 2015, by passage of Ordinance No. 4558; which has been further amended for maintenance purposes, as well as to respond to changing development patterns and keep up to date with current trends; and

WHEREAS, the Council passed UDC amendments through Ordinance No. 4826 on May 20, 2019; Ordinance No. 4829 on June 3, 2019; and Ordinance No. 4839 on July 1, 2019 to adopt the initial regulation for the zoning, land use, and development standards related to medical marijuana uses and facilities; and

WHEREAS, the Council passed UDC amendments through Ordinance No. 5192 on March 6, 2023, to adopt regulations for recreational marijuana; and

WHEREAS, the proposed UDC amendments are intended to create a fair and equitable business environment for all marijuana dispensaries in the City; and

WHEREAS, after due notice, a Public Hearing was held before City Council at the June 3, 2024 meeting.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BLUE SPRINGS, MISSOURI, as follows:

NOTE: LANGUAGE TO BE ADDED IS UNDERLINED. LANGUAGE TO BE DELETED IS SHOWN AS ~~STRICKEN~~. Sections and Subsections not set out herein are not amended or changed.

Section 1. That Section 405.050.A.34.e, Special Use Standards – Marijuana Dispensary, of the Code of Ordinances, City of Blue Springs, Missouri, is hereby amended to read as follows:


- e. Hours Of Operation. All marijuana businesses shall be closed to the public, no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises or by delivery from the premises between the hours of 10:00 P.M. and 8:00 A.M.

Section 2. That this Ordinance shall be in full force and effect from and after its passage and approval.

Section 3. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk, may be corrected with the endorsement of the City Administrator without the need to come before the City Council.

PASSED by the City Council of the City of Blue Springs, Missouri, and approved by the Mayor of Blue Springs, this 3rd day of June 2024.

CITY OF BLUE SPRINGS


Chris Lievsay, Mayor

ATTEST:


Erin Ford, City Clerk

1st Reading: June 3, 2024
2nd Reading: June 3, 2024

CITY OF BLUE SPRINGS, MISSOURI

CITY COUNCIL

June 3, 2024

EXHIBITS FOR PUBLIC HEARING

**UNIFIED DEVELOPMENT CODE AMENDMENT FOR HOURS OF OPERATION FOR
A MARIJUANA DISPENSARY
(UDCT-05-24-9152)**

EXHIBIT #1 City Council Information Form dated May 17, 2024 with the following attachments:
Notice of June 3, 2024 Public Hearing and Bill amending Unified Development
Code



Exhibit 1

CITY COUNCIL

UDC AMENDMENT MARIJUANA DISPENSARY HOURS

(UDCT-05-24-9152)

06/03/2024

Mike Mallon

From: Jon Dedon <jon.dedon@kennyhertzperry.com>
Sent: Monday, June 3, 2024 3:30 PM
To: Mike Mallon
Cc: City Clerk
Subject: Marijuana dispensary hours: official position of Stairway Cannabis

[CAUTION - EXTERNAL EMAIL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Contact your IT Department when in doubt.

Mr. Mallon,

My name is Jon Dedon and I represent Stairway Cannabis at 490 MO-7, Blue Springs, MO 64015.

Stairway Cannabis believes that operating hours of **8:00 a.m. to 9:00 p.m.** would strike the appropriate balance between allowing the public access to marijuana and ensuring the safety of dispensary employees.

Stairway has a friendly, knowledgeable, hardworking team of employees in place at its Blue Springs location. Stairway wants to do everything possible to make sure they stay safe, and feel safe as they leave for the evening. While Stairway has excellent security measures in place to protect its employees, the later a dispensary closes, the greater the chances that a criminal makes an attempt to do something that would place employee safety at risk. Stairway wants to do everything it can to make sure its team feels safe.

Stairway therefore suggests 9:00 p.m. as an appropriate closing time.

Finally, we want the record to reflect that the City of Blue Springs has been an excellent city for Stairway to do business in. We really appreciate the responsiveness and friendliness of the multiple City officials and staff we spoke with in this process.

Respectfully,

Jon



Jon R. Dedon - Attorney
KENNYHERTZ PERRY, LLC
2000 Shawnee Mission Pkwy, Ste. 210
Mission Woods, KS 66205
Direct: 816-527-9444
Mobile: 913-424-2670
Fax: 855-844-2914
jon.dedon@kennyhertzperry.com
www.kennyhertzperry.com

EF JR
EXHIBIT 2
CITY COUNCIL
UDC AMENDMENT MARIJUANA DISPENSARY HOURS
(UDCT-05-24-9152)
06/03/2024

DISCLAIMER REQUIRED BY IRS RULES OF PRACTICE: Any discussion of tax matters contained herein, and in any attachment hereto, is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding any penalties that may be imposed under Federal tax laws, or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

CONFIDENTIAL NOTICE: This is a confidential communication and is not to be delivered to or read by any person other than the addressee. E-mail transmission is not intended to waive the attorney-client privilege or any other privilege. If you are not the intended recipient or the employee or agent

**CITY OF BLUE SPRINGS
 CITY COUNCIL INFORMATION FORM**

DATE SUBMITTED: May 17, 2024

SUBMITTED BY: Mike Mallon

DEPARTMENT: Community Development

<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Presentation	<input checked="" type="checkbox"/> Public Hearing
<input type="checkbox"/> Contract	<input type="checkbox"/> Discussion	<input type="checkbox"/> Economic Dev.	<input type="checkbox"/> Other

ISSUE/REQUEST

A public hearing is being held at the request of the City of Blue Springs for consideration of amendments to the Unified Development Code (UDC). Upon conclusion of the public hearing, a Bill approving the amendments to Section 405.050.A.34, Special Use Standards – Marijuana Dispensary, of the City of Blue Springs Unified Development Code to expand the hours of operation for a Marijuana Dispensary will be ready for introduction and readings. (UDCT-05-24-9152)

BACKGROUND/JUSTIFICATION

The current UDC restricts the hours of operation of marijuana dispensaries in the City as open to customers only between the hours of 8:00 a.m. and 8:00 p.m. At the City Council meeting on May 6, 2024, a Public Hearing for a Conditional Use Permit application was heard by the City Council. The Applicant requested to expand the hours of operation for one of two marijuana dispensaries in the City from 8:00 p.m. to 10:00 p.m.

The Conditional Use Permit requested by the Applicant was denied, with two residents speaking in support of and no residents in opposition. In order to be fair and equitable to both marijuana dispensaries, staff is proposing a UDC Text Amendment to amend the hours as open to the public between the hours of 8:00 a.m. and 10:00 p.m., which would apply to all marijuana dispensaries in the City.

PROJECT TIMELINE

Estimated Start Date	Estimated End Date
June 5, 2024	N/A

STAFF RECOMMENDATION

Staff recommends approval.

OTHER BOARDS & COMMISSIONS ASSIGNED

Name of Board or Commission:	City Council
Date:	5/6/2024
Action:	CUP Request: Motion to amend hours of operation for KC Cannabis to allow the lobby to be open until 10:00 p.m. Failed: 1-Aye, 5 – No
Name of Board or Commission:	Planning Commission
Date:	4/22/24

Action:	Recommended Approval by a vote 4-3
---------	------------------------------------

ECONOMIC DEVELOPMENT PROJECT

N/A

LIST OF REFERENCE DOCUMENTS ATTACHED

1. Notice of June 3, 2024 Public Hearing 2. Bill amending Unified Development Code

REVIEWED BY:

Requesting Director: Mike Mallon	Budget: N/A
Legal: John Mullane	City Administrator: Christine Cates

PUBLIC NOTICE

Unified Development Code Text Amendment UDCT-05-24-9152

An Ordinance amending Section 405.050.A.34, Special Use Standards – Marijuana Dispensary, of the Unified Development Code, of the Code of Ordinances of the City of Blue Springs to amend the hours of operation for marijuana dispensaries.

Notice is hereby given that a public hearing will be held by the City Council of the City of Blue Springs on **Monday, June 3, 2024, at 6:00 p.m.** in the Council Chambers of the Howard L. Brown Public Safety Facility at 1100 SW Smith Street for the purpose of hearing interested parties and citizens on the request by the City of Blue Springs to amend the Section of the Unified Development Code noted above. Interested parties may view the application materials on file by contacting the Community Development Department via email at ComDevLegal@bluespringsgov.com or at City Hall at 903 W Main Street, Blue Springs, MO.

CITY OF BLUE SPRINGS
City Council

PUBLISH: Saturday, May 18, 2024
E-MAIL TO THE EXAMINER: legals@examiner.net
05/15/24