

AN ORDINANCE AUTHORIZING AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO ERIC MORACZEWSKI FOR A MARIJUANA INFUSED PRODUCTS MANUFACTURING FACILITY AT 12035 MISSOURI BOTTOM ROAD AND 12045 MISSOURI BOTTOM ROAD AND PROVIDING THE CONDITIONS OF SUCH USAGE

WHEREAS, Eric Moraczewski is the owner of 12035 Missouri Bottom Road and 12045 Missouri Bottom Road in the City of Hazelwood, Missouri, and has applied to such City for the issuance of a Special Land Use Permit for a marijuana infused products manufacturing facility; and

WHEREAS, Due notice of the time, place and purpose of a public hearing on this application was published in two (2) consecutive issues of a newspaper of general circulation in the City, the first notice was published at least fifteen (15) days prior to the date of the hearing, and similar notices were prominently posted at least fifteen (15) days prior to the hearing on the subject property and on all City bulletin boards; and at least fifteen (15) days prior to the hearing by the Council, written notices of said hearing were mailed to the last known places of abode of the owners of all property lying within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the proposed Special Land Use Permit; and

WHEREAS, Said hearing was held by the Council of the City of Hazelwood, Missouri, on June 5, 2024, at 6:30 p.m., at Hazelwood City Hall and all objections and suggestions made concerning the proposed Special Land Use Permit were duly heard and considered by the Council and no protest petitions were received; and

WHEREAS, The City Plan Commission recommended the Council grant this Special Land Use Permit; and

WHEREAS, The Council has considered whether the proposed use:

1. is consistent with the goals, objectives, and policies of the City's Comprehensive Plan; and
2. is consistent with the intent and purpose of the zoning district in which it is being requested; and
3. satisfies the conditions and requirements applicable to the requested Special Land Use Permit; and
4. will satisfy a public necessity for the Special Land Use Permit; and

5. will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare; and
6. will not adversely impact and be detrimental to the use and enjoyment of properties in the immediate vicinity; and
7. has adequate utilities, access, parking, and services; and
8. will not adversely impact traffic, public utilities and facilities, property values and natural, environmental or historical features; and
9. will, in all respects, conform to the applicable regulations and laws; and

Further, the Council considered:

10. the existing uses and zoning of nearby property; and
11. the length of time the lot has remained vacant as currently zoned considered in the context of land development adjacent to and in the vicinity of the subject property; and
12. the extent to which the proposed use will create excessive stormwater runoff, air pollution, water pollution, noise pollution and other environmental harm; and
13. the extent to which public facilities and services are available and adequate to meet the demand for facilities and services generated by the proposed use; and
14. the preservation of significant natural and environmental features and historical and architectural resources; and
15. the recommendations of the staff of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HAZELWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. Subject to the conditions set forth herein, a permanent Special Land Use Permit for a marijuana infused products manufacturing facility is hereby granted to Eric Moraczewski for the following described property:

12035 Missouri Bottom Road
And
12045 Missouri Bottom Road

SECTION 2. The use of the aforesaid premises for the aforesaid purposes is granted subject to the following conditions:

- a) The subject property shall at all times be improved, constructed, maintained and used in strict conformity with the site plan prepared by Altea, LLC and dated April 12, 2024, overall plan prepared by Exclusive Brands and dated April 3, 2024, and floor plans prepared by Exclusive Brands and dated April 3, 2024, copies of which are attached hereto as Exhibit A, Exhibit B, and Exhibit C, respectively, and incorporated herein by reference (“Site Plan, Overall Plan, and Floor Plans”).
- b) The Special Land Use Permit shall lapse and become void unless the applicant applies for an occupancy permit for the proposed use and the operation has commenced in an existing building within six (6) months; or, has applied for a building permit for any new building and construction is started within six (6) months and is in full operation within one (1) year of the date of approval of the Special Land Use Permit by the City Council.
- c) No marijuana infused products manufacturing or other related operations shall take place until the property and business have been sold to Raymond Christopher Enterprises LLC and the transfer of the Special Land Use Permit has been approved by the City.
- d) No marijuana infused products manufacturing or other related operations shall take place until Raymond Christopher Enterprises LLC has received their Comprehensive Manufacturing License issued by the Division of Cannabis Regulation of MDHSS.
- e) Raymond Christopher Enterprises LLC shall remain in compliance with their State issued Comprehensive Manufacturing License. Failure to do so may result in the City revoking the SLUP.
- f) The applicant shall install sufficient landscaping as depicted on the site plan to address the deficiency on the 12035 Missouri Bottom Roadside of the building.
- g) The applicant shall install a minimum of four new striped parking spaces on the parking lot on the 12035 Missouri Bottom Roadside of the building as depicted on the site plan.
- h) The applicant shall install sufficient lighting as depicted on the photometric plan to address the deficiency on the 12035 Missouri Bottom Roadside of the building.
- i) This Special Land Use Permit shall not be assigned, sold, conveyed, or operated by another without prior approval in accordance with Section 405.465 and no Occupancy Permit shall be issued to such assignee until such approval is secured.

- j) This Special Land Use Permit shall be null and void if for any reason the permittee ceases operation for a period of six (6) months or more.

SECTION 3. The Department of Public Works shall be charged with the responsibility for the enforcement of the conditions herein set forth.

SECTION 4. This Ordinance shall be in full force and effect from and after the date of its passage and adoption.

PASSED this _____ day of _____, _____ by the Council of the City of Hazelwood, Missouri.

ATTEST:

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

Julie Lowery, CMC - City Clerk
City of Hazelwood, Missouri

APPROVED AS TO FORM:

Carl Lumley - Associate City Attorney
City of Hazelwood, Missouri