

**PLANNING AND ZONING COMMISSION
AGENDA
TUESDAY, JUNE 12, 2018
7:00 P.M.**

- 1. CALL TO ORDER:**
- 2. ROLL CALL:**
- 3. APPROVAL OF MINUTES**
 - 1. Planning & Zoning Meeting – May 22, 2018**
- 4. PUBLIC HEARINGS:**
 - 1. PZ2018-11: A Public Hearing to consider an application for a Conditional Use Permit (CUP) to modify a single-family detached Structure to a single-family attached structure (duplex) in a “C-1” Downtown Commercial District, located at 314 W. St. Louis Street. Noah & Alba Giles, applicant**
- 5. PUBLIC PARTICIPATION-SPEAKER CARDS**
- 6. NEW BUSINESS:**
 - 1. PZ2018-11: Consideration of an application for a Conditional Use Permit (CUP) to modify a single-family detached structure to a single-family attached structure (duplex) in a “C-1” Downtown Commercial District, located at 314 W. St. Louis Street. Noah & Alba Giles, applicant**
 - 2. Zoning Code discussion**
- 7. OLD BUSINESS:**

8. COMMITTEE REPORTS:

A. BOARD OF ALDERMEN

B. BOARD OF ADJUSTMENT

9. OTHER BUSINESS:

10. ADJOURNMENT

This Meeting is Open To The Public

Note: The Planning and Zoning Commission will consider and act upon these matters listed above and any such others as may be presented at the meeting and determined appropriate for discussion at that time.

**CITY OF PACIFIC
RECORD OF PROCEEDINGS**

**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
AT THE PACIFIC CITY HALL, 300 HOVEN DRIVE
MAY 22, 2018**

The Planning and Zoning Commission Meeting was called to order by Chairman Bruns at 7:00 P.M. on May 22, 2018, at Pacific City Hall, 300 Hoven Drive, Pacific, Missouri.

The roll call was taken with the following results:

PRESENT

Chairman Bruns
Alderman Rahn
Commissioner Miles
Commissioner Graham
Commissioner Bates
Commissioner Eversmeyer
Commissioner Brocato

ABSENT

Commissioner Smith
Commissioner Koelling

Administrator Steve Roth, Building Commissioner Shawn Seymour and Rae Cowsert were also in attendance

APPROVAL OF MINUTES

A. Planning & Zoning Meeting – May 8, 2018

A motion was made by Commissioner Eversmeyer and seconded by Commissioner Miles to approve the minutes of the May 8, 2018 Regular Planning and Zoning Meeting. A voice vote was taken and the motion was approved 7-0.

PUBLIC HEARINGS:

- 1. PZ2018-8: A Public Hearing to consider an application for a Planned Unit Development (PUD) to develop a leased parcel generally located at 2165 W. Osage Street for purposes of operating a restaurant/food service facility. Marcus Dailey, Wonder Wiener Corp., applicant**

Chairman Bruns reopened the public hearing which was tabled at the previous meeting. Building Commissioner Shawn Seymour presented the staff report. He stated there was a revised site plan included in their packets. The staff report states this is the only property at the intersection that does not have a sidewalk in front of it. The sidewalk would be required to be installed. Chairman Bruns asked the applicant if he had anything he would like to add. Marcus Dailey stated he is planning relocate his building from Washington to Pacific. Mr. Dailey was asked about a grease trap. He stated the building is already equipped with a grease trap. Commissioner Eversmeyer asked about the shared driveway. Mr. Dailey stated he is leasing the property and has already talked to the owner about the shared driveway. Commissioner Bates stated he is concerned about moving the building from Washington to Pacific and wants to make sure it is understood the possible approval would not follow the building if he would decide to change locations in the City of Pacific. Chairman Bruns closed the public hearing.

- 2. PZ2018-9: A Public Hearing to consider an application for a Conditional Use Permit to operate a restaurant/food service facility at property generally located at 2165 W. Osage Street. Marcus Dailey, Wonder Wiener Corp., applicant.**

Chairman Bruns reopened the public hearing. Building Commissioner Seymour presented the staff report. Commissioner Seymour stated in the report this application meets all of the conditions. Commissioner Seymour recommended the Commission at a later date draft an amendment to the code allowing for restaurants in the C-2 zoning. Commissioner Seymour stated the staff recommends approval. Chairman Bruns stated she was in agreement with Commissioner Seymour about clearing up some of the codes. Chairman Bruns closed the public hearing.

SPEAKER CARDS

None

NEW BUSINESS:

- 1. PZ2018-8: Consideration of an application for a Planned Unit Development (PUD) To develop a leased parcel generally located at 2165 W. Osage Street for purposes of operating a restaurant/food service facility. Marcus Dailey, Wonder Wiener Corp., applicant**

A motion was made by Commissioner Eversmeyer and seconded by Alderman Rahn to approve the application. Before the vote was taken, there was a question about a Final Development Plan. Administrator Roth stated the applicant would come back before the Commission with a Final Plan. Administrator Roth stated the one issue would be the sidewalks. Mr. Dailey was asked how soon he was wanted to get started and he stated he probably would not be ready to move now until September or October. Administrator Roth stated we would not hold him up if it is a two step process.

Administrator Roth stated the City applied for a grant to finish sidewalks but the application did not get approved. He feels there are some funds which could be dedicated for sidewalks. Commissioner Bates stated he doesn't remember a leased property where the person leasing was responsible for permanent improvements to the property. There is a question of ownership and responsibility.

A vote was taken with the following results: Ayes, Commissioner Miles, Commissioner Brocato, Commissioner Graham, Commissioner Bates, Commissioner Eversmeyer, Chairman Bruns, Alderman Rahn; Nays, none. The motion was approved 7-0 and will be presented to the Board of Alderman on June 5.

2. PZ2018-9: Consideration of an application for a Conditional Use Permit (CUP) to Operate a restaurant/food service facility at property generally located at 2165 W. Osage Street. Marcus Dailey, Wonder Wiener Corp., applicant

A motion was made by Commissioner Eversmeyer and seconded by Commissioner Miles to approve the application with the condition that sidewalks be installed. A vote was taken with the following results: Ayes, Commissioner Miles, Commissioner Graham, Commissioner Bates, Commissioner Eversmeyer, Commissioner Brocato, Chairman Bruns, Alderman Rahn; Nays, none. The motion was approved the will be presented to the Board of Aldermen on June 5.

OLD BUSINESS

None

COMMITTEE REPORTS

A. Board of Aldermen

Alderman Rahn stated he had nothing to report. Commissioner Bates asked about hill north of 44. Administrator Roth stated the State of Missouri is involved with the owner and developer to meet the requirements from the State. As of now the parties have not come into compliance.

B. Board of Adjustment

There is still pending action and a meeting date is pending.

OTHER BUSINESS

None

ADJOURNMENT

Chairman Bruns stating there being no further discussion asked for a motion to adjourn. A motion was made by Commissioner Bates and seconded by Commissioner Miles. A vote was taken and the meeting was adjourned at 7:35 p.m.

Jerry Eversmeyer, Secretary



Planning & Zoning Commission Department of Planning Staff Report

Meeting Date: June, 12, 2018

Project Type: Conditional Use Permit

From: Shawn Seymour, AICP
Director of Planning

Applicant: Noah & Alba Giles

Description: **P.Z. 2018 – 11 314 West St. Louis Street (Noah & Alba Giles):** A request for a Conditional Use Permit to modify a single-family detached structure to a single-family attached structure (duplex) in a "C-1" Downtown Commercial District, located on the south side of West St. Louis Street east of its intersection with South 4th Street (19-1-12.0-4-003-069.000).

Summary

The applicant has submitted a request for a Conditional Use Permit (CUP), for the purpose of obtaining the zoning entitlement to convert a single-family detached structure to a single-family attached (over-under duplex) dwelling unit. The property is zoned "C-1" Downtown Commercial District. Section 400.120 of the zoning ordinance governs the "C-1" district. Although the land use of single-family attached (two-family dwellings) is not identified in this zoning district, the last item under conditional land uses in section 400.120.C states, *Any other use deemed appropriate by both the Zoning Officer and City Administrator and approved by the Planning and Zoning Commission and Board of Aldermen*, is permitted as a conditional land use.

Section 405.040.B. of the Pacific Code of Ordinances provides for the review and approval method for Conditional Use Permits. The Commission is required to act on this request by providing a recommendation of approval, approval with conditions, or denial to the Mayor and Board of Aldermen.

Subject Site

As noted above, the subject site is located on the south side of West St. Louis Street, east of its intersection with South 4th Street. This intersection includes stop signs for north-south traffic and is unrestricted for east-west traffic. Sidewalks are located along the front of the property. The

property is improved and includes a craftsman style single-family detached structure. The property is also rectangular in shape. On street parking is provided along West St. Louis Street and there is an alley way that services the rear of the property. Slope of the site is mainly flat and the property is serviced will all necessary utilities.

Land Use and Zoning of Surrounding Properties

Direction	Zoning	Land Use
North	"C-1" Downtown Commercial	Single-family detached dwelling
South	"C-1" Downtown Commercial	Single-family detached dwelling
East	"C-1" Downtown Commercial	Single-family detached dwelling
West	"C-1" Downtown Commercial	Bank

Analysis

Section 405.040.B. provides the standards for which this application is to be reviewed.

- a. Complies with all applicable provisions of this Title.

The proposed two-family residential unit requires two (2) off-street parking stalls, pursuant to section 400.235 of the zoning ordinance. As noted above the property is accessed both in the rear via an alley way and along West St. Louis Street. Although there is parking along West St. Louis Street, there is no dedicated improved parking driveway or pad on the property. **The standard has not been met.**

- b. At the specific location will contribute to and promote the community welfare or convenience.

Staff is unsure as to what this standard is attempting to verify and requests clarification from the Commission. Additionally, convenience is not something that used as a development standard as convenience does little if anything to protect public health and safety. **Standard to be verified.**

- c. Will not cause injury to the value of neighboring property and will not create a nuisance.

The proposed land use of a two-family residence does not pose a risk to neighboring property values. Visually, very little change is proposed to the exterior of the structure. The applicant has provided a sketch of a staircase to provide access to the second floor. However, the sketch is not to scale nor does it provide a site plan for staff to review.

Staff does have concern related to the proposed parking of the site. As no site plan has been provided, there is no way to determine if the site will meet minimum parking requirements. If this information is not provided, staff has no way to verify if the likelihood of nuisance is present. **The standard has been partially met.**

- d. Is consistent with the Comprehensive Plan and existing zoning district provisions.

The proposed land use of two-family residence is not listed as a permitted or a conditionally permitted land use in the "C-1" district. However, the application for CUP is being review based on section 400.120.C.17., which permits any use, by CUP, deemed appropriate by the

Zoning Officer and City Administrator and approved by the Planning & Zoning Commission and Board of Aldermen. **The standard has not been verified.**

- e. Will provide, if applicable, off-street parking and loading areas in accordance with the standards contained in this Title.

No site plan has been provided and the current site does not provide an improved parking surface for two (2) parking stalls as required by the zoning ordinance. **The standard has not been met.**

- f. Will provide, if applicable, erosion control and on-site storm water detention in accordance with the standards contained in this Title.

The site is improved with a residential structure. No major improvements are proposed by the owner at this time, thusly no major increase in stormwater is projected. **Standard has been met.**

- g. Will not substantially increase traffic congestion and noise.

The property is located in downtown and is well served by public streets. Further the proposed land use of two-family residence will not substantially increase traffic or congestion on the surrounding streets. **The standard has been met.**

Recommendation

The application for conditional use permit to allow a two-family residence to be located in an existing single-family residence does not pose a risk to public health and safety or to the adjacent properties in this area of the city. However, the applicant has not submitted a site plan for staff to conduct a complete review of the proposal. Additionally, there are concerns that the required number of off-street parking stalls may not be provided.

However, this property is currently underutilized and is in need of private investment to provide a positive impact the City's downtown core. Additional residents living downtown are generally considered to have a positive impact to the vitality of the neighboring properties and particularly businesses. Staff recommends **APPROVAL**, with the following conditions:

1. A site plan be provided to illustrate the proposed onsite parking and any other planned improvements.
2. The site be brought into compliance with the property maintenance code.
3. Three (3) or more property maintenance violations in a twelve (12) month period may be cause for the City to make void the conditional use permit.

Attachments: Application