

**PLANNING AND ZONING COMMISSION
AGENDA
TUESDAY, JULY 9, 2019
7:00 P.M.**

- 1. CALL TO ORDER:**
- 2. ROLL CALL:**
- 3. APPROVAL OF MINUTES**
 - 1. Planning & Zoning Meeting – June 25, 2019**
- 4. PUBLIC HEARINGS:**
 - 1. PZ2019-10: A Public Hearing to consider an application for a Conditional Use Permit at 415 W. St. Louis Street, Pacific, MO 63069 (Franklin County Parcel #19-1-12.0-3-003-018.000). The applicant is proposing to operate a small events space/venue and a small office at this location, which is currently zoned R-1A, Single Family Residential. Trudy Nickelson, Designs of Ambiance, LLC, applicant.**
- 5. PUBLIC PARTICIPATION-SPEAKER CARDS**
- 6. NEW BUSINESS:**
 - 1. PZ2019-10: Consideration of an application for a Conditional Use Permit at 415 W. St. Louis Street to operate a small events space/venue and a small office at this location, which is currently zoned R-1A, Single Family Residential. Trudy Nickelson, Designs of Ambiance, LLC, applicant.**
- 7. OLD BUSINESS:**
- 8. COMMITTEE REPORTS:**
 - 1. BOARD OF ALDERMEN**

2. 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
JUNE 25, 2019**

The Planning and Zoning Commission Meeting was called to order by Commissioner Smith at 7:00 P.M. on June 25, 2019, at Pacific City Hall, 300 Hoven Drive, Pacific, Missouri.

The roll call was taken with the following results:

PRESENT

Chairman Bruns
Commissioner Smith
Commissioner Graham
Commissioner Bates
Commissioner Eversmeyer
Commissioner Brocato

ABSENT

Alderman Rahn
Commissioner Miles
Commissioner Koelling

Administrator Roth, City Engineer Anna Hodge and Rae Cowsert were also in attendance.

APPROVAL OF MINUTES

A. Planning & Zoning Meeting – May 14, 2019

A motion was made by Commissioner Brocato and seconded by Commissioner Bates to approve the minutes. A voice vote was taken and the motion was approved 5-0.

PUBLIC HEARINGS:

1. **PZ2019-09: A Public Hearing to consider an application for a Final Plat for an approximate .42 acre tract of land generally located at the southwest corner of Highway OO (West Park Street) and North Second Street, (Franklin County Parcel #19-1-12.0-1-004-025.000, Lots 1-6 Block 180 T M Aults Addition). The applicant is requesting approval to divide the parcel into two subdivision lots in the R-1A Single-Family Zoning District. Robert Nicolay, applicant**

Chairman Brunns introduced the public hearing and asked if it was posted. Rae Cowsert stated it had been posted. Administrator Roth introduced Anna Hodge as the City Engineer. Mrs. Hodge presented the staff report to the commission. The staff recommends approval except for the side setbacks which are not in compliance with the City code.

Robert Nicolay, 423 Crescent Vista Lane, Eureka, MO - Mr. Nicolay stated they had already been to the Board of Adjustment for a Variance on the 25 foot setbacks on the corner and frontage.

Administrator Roth stated the Variance was granted on the 25 foot setbacks on the corner and frontage of the homes but the side yard setbacks were not discussed. Chairman Brunns stated she likes the 10 foot setbacks on the side yards. Commissioner Eversmeyer asked about the City vacating the alley which is shown on paper and divide the property between both land owners. Administrator Roth stated most of the lots on the north side of town are all nonconforming. Commissioner Eversmeyer stated if the alley is vacated it would give the applicant enough to allow for the 10 foot side setbacks. Commissioner Bates stated he has no plans to waiver from the 10 foot side setback requirement. He stated to vacate the alley would require an Ordinance and could be done at the same time by the Board of Aldermen. Commissioner Smith asked if a Planned Unit Development could have been used in this case. Chairman Brunns stated if the alley is vacated, the 8 foot could be put between the two houses to allow for the 10 foot setbacks. She asked the applicant if they were agreeable to this.

Eric Easter, 705 N. Second Street, Pacific, MO – Mr. Easter asked if the City is going to vacate the one alley if they would also vacate the one by his property.

Administrator Roth informed the Commission of the reversal of the requirement of curb, gutter and sidewalks for the Boevingloh project due to MoDot not issuing a permit for this. Commissioner Eversmeyer stated a new plat would have to be drawn before submitting to the Board of Aldermen for approval. Commissioner Bates wants to make sure that no water can be run onto the street since there has been a waiver for the improvements. Chairman Brunns stating there being no further comments or questions, this public hearing is closed.

SPEAKER CARDS

Included in the public hearing section.

NEW BUSINESS:

1. **PZ2019-09: Consideration of an application for a Final Plat for an approximate .42 acre tract of land generally located at the southwest corner of Highway OO (West Park Street) and North Second Street. The applicant is requesting approval to divide the parcel into two subdivision lots in the R-1A Single-Family Zoning District. Robert Nicolay, applicant**

A motion was made by Commissioner Eversmeyer and seconded by Commissioner Brocato to approve the application with the following conditions: 1) to include the 8 foot of vacated alley, 2) 10 foot side yard setbacks between houses, 3) No increase of water flow, 4) Waive improvements. A vote was taken with the following results: Ayes, Chairman Bruns, Commissioner Smith, Commissioner Brocato, Commissioner Graham, Commissioner Bates, Commissioner Eversmeyer; Nays, none. The motion was approved 6-0 and will be presented to the Board of Aldermen.

OLD BUSINESS

Administrator Roth informed the Commission that Mrs. Anna Hodge will be handling the Planning and Zoning duties with his assistance for a period of time. He explained all of the Amendments which were started prior to her starting, will probably hold another public hearing after further review. He stated the plans are to have basic recommendations by July 23 and have to the finish line by the end of September.

COMMITTEE REPORTS

A. Board of Aldermen

Alderman Rahn was not present at the meeting.

B. Board of Adjustment

Nothing to report

OTHER BUSINESS

Chairman Bruns welcomed Mrs. Anna Hodge to the City.

ADJOURNMENT

There being no further discussions, Chairman Bruns asked for a motion to adjourn. A motion was made by Commissioner Eversmeyer and seconded by Commissioner Graham A voice vote was taken and the meeting was adjourned at 7:46 p.m.

Jerry Eversmeyer, Secretary



Planning & Zoning Commission Department of Planning Staff Report

Meeting Date: July 9, 2019

Project Type: Conditional Use Permit

From: Anna Hodge
City Engineer

Applicant: Trudy Nickleson, Designs of Ambiance, LLC.

Description: PZ 2019-10: Designs of Ambiance, LLC, Conditional Use Permit. A public hearing to consider an application for a Conditional Use Permit (CUP) at 415 W. St Louis St., Pacific, MO 63069 (Franklin County Parcel #19-1-12.0-3-003-018.000). The applicant is proposing to operate a small events space / venue and a small office at this location, which is currently zoned R-1A, single family residential. Trudy Nickleson, Designs of Ambiance, LLC, applicant.

Summary

The applicant has submitted a request for a Conditional Use Permit (CUP), for obtaining the zoning entitlement to convert a single-family detached structure into a small events venue and small office. The property is zoned "R-1A", single family residential. Section 400.0900 of the zoning ordinance governs the "R-1" district. The land use of small events space/venue is not identified in this zoning district.

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 north side of West St. Louis Street, west 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. Slope of the site

is mainly flat and the property is serviced will all necessary utilities. Please find an areal snapshot of the property below.



Land Use and Zoning of Surrounding Properties

Direction	Zoning	Land Use
North	“C-1” Downtown Commercial	Community College
South	“R-1” Single Family-Residential	Churches and Residential
East	“M-1” Light Industrial	Post Office and Bank
West	“R-1” Single Family-Residential	Churches and Residential

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. Per the items below taken directly from Section 405.040 B: Conditional Use Permit, there several items that must be verified prior to meeting the standard.

The standard to be verified.

- 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 staff recommends that the venue be required to cease any noise production after 11pm on Fridays and Saturdays. We also recommend quiet hours at 10pm on Monday through Thursday. The proposed land use of a small events venue does not pose an obvious risk to neighboring property values. **The standard has been met.**

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

The proposed land use of small wedding venue is not listed as a permitted or a conditionally permitted land use in the "R-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.

The wide street with two rows of angled parking can easily accommodate vehicles associated with venue events. **The standard has 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 the small venue 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 an existing residential property to be used as a small events/venue with office does not pose a risk to public health and safety or to the adjacent properties in this area of the city.

This property is currently underutilized and needs private investment to provide a positive impact to the array of services available in the more general area. Moreover, 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. An occupancy load of no more than 30 persons be established and enforced. This load limit addresses health, safety, noise/nuisance and parking considerations.

PZ 2019-10 CUP 4-15 West St. Louis Street
7-5-19

2. Hours of operation are limited to no later than 10pm Sunday through Thursday and 11pm on Friday and Saturday.

Attachments (2): Application
 Chapter 405. Planning and Zoning Section 405.040 Permits.