

**PLANNING AND ZONING COMMISSION AGENDA
300 Hoven Drive Pacific, MO 63069**

**TUESDAY, May 11, 2021
7:00 P.M.**

1. CALL TO ORDER:

2. ROLL CALL:

3. APPROVAL OF MINUTES: From April 13, 2021

4. PUBLIC HEARINGS

- a. PZ2021-09: Map Amendment, 2010 Highway N, Gary and Christi Meadows, applicant.**
The applicant is seeking a map amendment (rezoning) for an approximate 6.02 acre tract of land generally located at 2010 Highway N (Lot 1 Riverbend Heights Subdivision Plat 1; Franklin County Parcel ID: 19-6-14.0-0-036-034.000). The applicant is seeking a rezoning from the current R-1B single family residential to NU Non-urban. The property is generally bounded by vacant agricultural land the east, low density single family residential to the north and south, and Pacific Assembly of God church to the west.

5. NEW BUSINESS:

- a. PZ2021-09: Map Amendment, 2010 Highway N, Gary and Christi Meadows, applicant.**
- b. Waivers and Exceptions request, Sidewalk construction requirement, 604, 606 South Second Street, Kelley Concrete**

6. OLD BUSINESS:

7. COMMITTEE REPORTS:

1. BOARD OF ALDERMEN
2. BOARD OF ADJUSTMENT
3. CITY ADMINISTRATOR
4. COMMUNITY DEVELOPMENT DIRECTOR

8. 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.

Regular Meeting of the Planning & Zoning Commission at the Pacific City Hall, 300 Hoven Drive, Pacific, MO 63069

April 13, 2021

The Planning and Zoning Commission Meeting was called to order by Chairman Bruns at 7:00 P.M. on April 13, 2021.

The roll call was taken with the following results:

Present:

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

Absent:

Commissioner Miles
Commissioner Koelling

Administrator Roth, City Clerk Barfield were also in attendance.

Approve Minutes

- a. Planning & Zoning Minutes – March 9, 2021

Motion made by Commissioner Eversmeyer, seconded by Commissioner Graham to approve the minutes from March 9, 2021. A voice vote was taken and the motion approved 7-0.

Public Hearings

- a. **PZ2021-05** Text Amendment, Section 410.050(E) (5) (f). The City of Pacific is seeking a text amendment to Zoning Code Section 410.050 (E)(5)(f) regarding the procedure for acceptance of public improvements and that a Replacement Bond should be required to warrant against damage to the public improvements during build out of a subdivision.

Chairman Bruns read the Public Hearing into the record. She opened the Public Hearing for comments. She asked for comments from the Board and public. Administrator Roth read from his report. This will amend the code for the City to accept the streets of a subdivision with a 5% maintenance bond with a 2 year term. This would be 5% of the total cost of all the public improvements. There being no further comments the Public Hearing was closed.

- b. **PZ2021-06** Text Amendment, Section 405.060(A) (2). The City of Pacific is seeking a text amendment to Zoning Code Section 405.060(A) (2) regarding the procedures for posting notice of public hearings on subject properties.

Chairman Brunns read the Public Hearing into the record. She opened the Public Hearing for comments. She asked for comments from the Board and public. Administrator Roth stated this was brought up at the last meeting. The big metal signs are what we use now to post properties would be changed. This proposes a 2 x 3 yard signs and the information will be at City Hall. There being no comments the Public Hearing was closed.

- c. **PZ2021-07 Text** Amendment, Section 423.040(A) (5). The City of Pacific is seeking a text amendment to Zoning Code Section 423.040(A) (5) regarding allowable fence materials.

Chairman Brunns read the Public Hearing into the record. She opened the Public Hearing for comments. She asked for comments from the Board and public. Administrator Roth stated this is in regards to fence materials. The materials were discussed. Commissioner Eversmeyer asked about the time frame of a permit. Discussion followed. Commissioner Eversmeyer suggested approving with the following additions: the permit time is 90 days with the staff allowed to extend, in paragraph 5 change "steel" to "metal" and also just "metal" and "removal of replacement fencing needs to be done by the end of the permit type". Commission members agreed. Administrator Roth thought that was in the Building Code. There being no comments the Public Hearing was closed.

- d. **PZ2021-08 Text** Amendment, Section 400.180. The City of Pacific is seeking a text amendment to the overall regulations governing accessory structures.

Chairman Brunns read the Public Hearing into the record. She opened the Public Hearing for comments. She asked for comments from the Board and public. The Commission discussed gravel drives to the accessory building and how that should be grand fathered in, or if the floor of the accessory building was rock it can be allowed to remain rock. There being no more comments the Public Hearing was closed.

Public Participation

Chairman Brunns stated there were no speaker cards this evening.

New Business

- a. **PZ-2021-05** Proposed Ordinance Amendment: Section 410.050 (E)(5)(f) Replacement Bonds for Subdivision Improvements

Chairman Brunns read PZ 021-05 into the record. She asked for any discussion Motion made by Commissioner Bates, seconded by Commissioner Rahn to approve PZ 2021-05. A roll call vote was taken with the following results: Ayes: Commissioner Eversmeyer, Commissioner Brocato, Commissioner Presley, Commissioner Brunns, Commissioner Rahn, Commissioner Graham, Commissioner Bates. Nays: none. Chairman Brunns declared the motion carried 7-0.

- b. **PZ2021-06** Proposed Ordinance Amendment: Section 405.060 (A)(2) Amending Procedure for Posting Public Hearing Notices

Chairman Brunns read PZ2021-06 into the record. She asked for any discussion. Motion made by Commissioner Eversmeyer, seconded by Commissioner Brocato to approve PZ2020-06. A roll call vote was taken with the following results: Ayes: Commissioner Brocato, Commissioner Presley,

Commissioner Miles, Commissioner Koelling, Commissioner Graham, Commissioner Bates, Commissioner Eversmeyer. Nays: none. Chairman Brunns declared the motion carried 7-0.

c. PZ2021-07 Text Amendment, Section 423.040 (A) (5). Amending Allowable Fence Materials.

Chairman Brunns read PZ2021-07 into the record. She asked for any discussion. There was discussion about the different types of fencing and the length of permits times. Motion made by Commissioner Eversmeyer, seconded by Commissioner Brocato to approve with the following additions: the permit time is 90 days with the staff allowed to extend, in paragraph 5 change “steel” to “metal” and also just “metal” and “removal of replacement fencing needs to be done by the end of the permit type. A roll call vote was taken with the following results: Ayes: Commissioner Presley, Commissioner Miles, Commissioner Koelling, Commissioner Graham, Commissioner Bates, Commissioner Eversmeyer, Commissioner Brocato. Nays: none. Chairman Brunns declared the motion carried 7-0.

d. PZ2021-08 Proposed Ordinance Amendment: Section 400.180 Amending Overall Accessory Structure Regulations.

Chairman Brunns read PZ2021-08 into the record. Motion made by Commissioner Eversmeyer, seconded by Commissioner Rahn to table this so the updated language can be added as discussed previously. A roll call vote was taken with the following results: Ayes: Commissioner Graham, Commissioner Bates, Commissioner Eversmeyer, Commissioner Brocato, Commissioner Presley, Commissioner Brunns, Commissioner Rahn. Chairman Brunns declared the motion carried 7-0.

Old Business – none

Committee Reports

- 1. Board of Aldermen** – Alderman Rahn stated the ordinance for dividing the lots passed with the cross access in the front. In regards to Hummingbird Hills he thought it was a good project and voted for it.
- 2. Board of Adjustment** – Administrator Roth stated there were two hearings on April 28th.
- 3. City Administrator** – we are working on broadcasting the system live on Facebook, but tonight it is not working.

Other Business

Adjournment – Motion made by Commissioner Brocato, seconded by Commissioner Rahn to adjourn. The meeting adjourned at 8:00 p.m.

**NOTICE OF PUBLIC HEARING
CITY OF PACIFIC
PLANNING & ZONING COMMISSION**

**Map Amendment (Rezoning)
2010 Highway N, Pacific MO
Franklin County Parcel ID: 19-6-14.0-0-036-034.000**

The City of Pacific Planning and Zoning Commission will conduct a Public Hearing on **Tuesday, May 11, 2021** at 7:00 P.M. at the Pacific Government Center, 300 Hoven Drive, Pacific MO to hear comments on the following proposals:

1. PZ 2021-09: Map Amendment, 2010 Highway N, Gary and Christi Meadows, applicant. The applicant is seeking a map amendment (rezoning) for an approximate 6.02 acre tract of land generally located at 2010 Highway N (Lot 1 Riverbend Heights Subdivision Plat 1; Franklin County Parcel ID: 19-6-14.0-0-036-034.000). The applicant is seeking a rezoning from the current R-1B single family residential to NU Non-urban. The property is generally bounded by vacant agricultural land the east, low density single family residential to the north and south, and Pacific Assembly of God church to the west.

Interested parties may comment during the Public Hearing at the specified date and time. Copies of the application are available for review at Pacific City Hall, 300 Hoven Drive during weekdays between the hours of 8:00 a.m. and 5:00 p.m. Copies are also available online at www.pacificmissouri.com. If you should need additional information, please contact Steve Roth, City Administrator, by telephone at 636-271-0500 ext 213 or by email at sroth@pacificmissouri.com

Receipt #: _____

Tax I.D. #: _____

PAID

APR 27 2021

CITY OF PACIFIC
APPLICATION FOR ZONING CHANGE
CITY OF PACIFIC

ADDRESS FOR WHICH ZONING CHANGE IS BEING SOUGHT: 2010 Highway N (Congress St.) Pacific, mo 63069

APPLICATION FEE OF \$~~1000~~ PAID. yes no

NAME OF APPLICANT: Christi Meadows

ADDRESS: 2010 Highway N (Congress St) Pacific, mo 63069

ADDRESS: _____

PHONE - HOME: ^{mobile} 618-410-7075 PHONE - WORK: N/A

APPLICANT'S INTEREST IN THE PROPERTY: _____

owner of the property would like to rezone the property from R-1B back to NU zoning.

NAME OF LEGAL OWNER: Christi Meadows

ADDRESS: 2010 Highway N (Congress St.) Pacific, mo 63069

ADDRESS: _____

PHONE - HOME: ^{mobile} 618-410-7075 PHONE - WORK: N/A

TOTAL ACREAGE: 6.02

PRESENT ZONING DISTRICT: R-1B

REQUESTED ZONING DISTRICT: NU

PRESENT USE: R-1B PROPOSED USE: NU

NAMES AND ADDRESSES OF ALL PROPERTY OWNERS WITHIN A 300 FOOT RADIUS OF THE PROPERTY FOR WHICH THE ZONING CHANGE IS BEING SOUGHT: _____

THE FOLLOWING FACTORS JUSTIFY THIS REQUEST: interest in erecting
a pole barn on the property and housing ¹⁻² horses on the
property 6.02 acre lot. When we purchased the property
we told that horses could be on the property. we did not
realize that property was ^{re-}zoned R-1B when the original owner
purchased the land for building of a subdivision. we would like this
6.02 acres be rezoned back to NA zoning for purposes of farm land

THIS APPLICATION SHALL NOT BE CONSIDERED COMPLETE UNLESS IT IS ACCOMPANIED BY THE FOLLOWING ITEMS:

for horses and
pole barns on
the property.

1. THE REQUIRED FILING FEE
2. A LEGAL DESCRIPTION OF THE AFFECTED REAL ESTATE SEALED BY A LAND SURVEYOR PER SECTION 400.260(B) OF THE ZONING ORDINANCE
3. FIFTEEN (15) COPIES OF A SEALED PLAT OR SURVEY OF THE PROPERTY PER SECTION 400.260(B) OF THE ZONING ORDINANCE

SIGNATURE OF APPLICANT(S): Christy Meador

SIGNATURE OF LEGAL OWNER(S): Christy Meador

MEMORANDUM

Steve Roth
City Administrator

636-271-0500 ext. 213
sroth@pacificmissouri.com

May 6, 2021

TO: Planning and Zoning Commission
RE: May 11 meeting items

Hello everyone,

The following constitutes my staff report for the May 11 meeting.

1. PZ2021-09: Map Amendment, 2010 Highway N, Gary and Christi Meadows, applicant. The applicant is seeking a map amendment (rezoning) for an approximate 6.02 acre tract of land generally located at 2010 Highway N (Lot 1 Riverbend Heights Subdivision Plat 1; Franklin County Parcel ID: 19-6-14.0-0-036-034.000). The applicant is seeking a rezoning from the current R-1B single family residential to NU Non-urban. The property is generally bounded by vacant agricultural land the east, low density single family residential to the north and south, and Pacific Assembly of God church to the west.

Commission members may recall that this tract is part of a larger tract that was rezoned to R-1B from NU back in 2018, as part of a planned 57-lot subdivision. The R-1B zoning was approved by the subdivision did not proceed to final plat approval. Later, the property owner applied for a new subdivision proposal, Riverbend Heights Subdivision Plat 1 and 2, and this subdivision was ultimately approved.

The applicant intends to construct a single-family residential structure on the property, and an accompanying pole barn accessory structure and horse-riding ring. Pole barns and horses are only permitted in NU zoning districts. The City Attorney had earlier advised against a Conditional Use Permit process for the property, given that the zoning code does not provide for this in R-1B zones. Thus we have the application here seeking a rezoning.

This can be considered a down-zoning and if approved would permit a much lower-density than the current R-1B. The NU zoning of course also permits certain agricultural uses. Staff had earlier given some consideration to suggesting a rezoning of the entire Riverbend Heights subdivisions, which would include all parcels on the east side of Highway N / Congress between the subject property and Candlewick Lane. However upon further review we felt the NU zoning for this specific parcel would be more appropriate, especially given that it is adjacent to NU land to the east.

In our discussions with the applicant we have high confidence that the development proposed here will be high quality and in harmony with adjacent properties. The property is adjacent to low density uses and is large enough to accommodate the uses they have proposed. We would advise the Commission to hear the applicant presentation and any public comment that may be made before rendering a decision.

2. PZ 2021-10, Waivers and exceptions request, Kelley Concrete, 604-606 South Second Street. Kelley concrete has requested a waiver of the sidewalks construction requirement for new development. The applicable code section is 410.080, copied here in part:

When a developer can show that a provision of this Chapter would cause unnecessary hardship if strictly adhered to and when, in the opinion of the Commission because of

conditions peculiar to the site, a departure may be made without destroying the general intent and spirit of this Chapter, the Commission may recommend a waiver or modification to the Board of Aldermen.

Mr. Kelley has constructed sidewalks with recent development at other locations in the floodplain, and initially intended to construct sidewalks with this development. However, the location of mature trees on both property frontages does in fact create a hardship, in staff judgement, which is compounded by the fact that the sidewalks if constructed would not connect to any existing sidewalks.

In my opinion, the rules and regulations for infill development such as this should have a degree of flexibility to accommodate conditions such as this one. I would also note that a waiver of the sidewalk construction requirement at this time would not necessarily absolve the property owner of responsibility for sidewalk construction at a later time. For example, if new sidewalks and other development were proposed at this location many years from now, Missouri law provides a mechanism whereby the property owner can be required to pay for such improvements essentially on a per-foot basis. I can discuss this concept in greater detail at the meeting if desired.

In summary, staff judgment here would support Mr. Kelley's request, and find that requiring sidewalks in this instance would meet the standards as contained in the Waivers and Exceptions code provision.

3. Other items. The Commission earlier tabled a draft text amendment pertaining to accessory structures. We have not revised that earlier draft and would recommend that the amendment be reserved for discussion at a later meeting.

If you have questions on any of these items please feel free to contact me.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Steve Roth".

Steve Roth
City Administrator

From: [Debbie Kelley](#)
To: [Steve Roth](#)
Subject: Sidewalks -604/606 S Second St
Date: Tuesday, May 4, 2021 9:20:35 AM

[CAUTION] External Sender:

Requesting to exempt sidewalks on both side of new building site (duplex) cost is higher then the need to have sidewalks to no where empty city lot old shepherd well drilling.thank you!Benton Kelley 636 675 2127