

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

**TUESDAY, October 12, 2021**  
**7:00 P.M.**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES: From September 28, 2021**
- 4. OLD BUSINESS**
  - a. Text Amendment, Accessory Structures
- 5. COMMITTEE REPORTS**
  - a. Board of Aldermen
  - b. Board of Adjustment
  - c. City Administrator
- 6. 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

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**PLANNING AND ZONING COMMISSION MEETING**  
**300 Hoven Drive Pacific, MO 63069**  
**September, 28<sup>th</sup> 2021**

1. **The Planning & Zoning Commission Meeting was called to order by Chairman Bruns at 7:00PM on September 28<sup>th</sup> 2021**
2. **Roll Call: The Roll call was taken with the following results:**

**Present:**

Chairman Bruns  
Commissioner Madrigal  
Commissioner Graham  
Commissioner Bates  
Alderman Eversmeyer  
Commissioner Brocato  
Commissioner Koelling  
Commissioner Miles  
Commissioner Presley

Administrator Roth, & Community Development Clerk Fodge were also in attendance.

3. **Approval of Minutes:**

- a) Planning & Zoning Minutes-Sept 14<sup>th</sup>, 2021

A Motion made by **Commissioner Brocato**, seconded by **Commissioner Madrigal** to approve the minutes from Sept 14<sup>th</sup>, 2021. A voice vote was taken and the motion was approved 8-0

4. **Election of Officers:**

**Chairman Bruns** opened the floor for nomination of Officers. **Alderman Eversmeyer** motioned **Chairman Bruns** for Chair; **Commissioner Madrigal** seconded the motion. A voice vote was taken and the motion was passed 8-0. **Alderman Eversmeyer** motioned **Commissioner Bates** for Vice Chair with **Commissioner Koelling** seconding the motion. A voice vote was taken and the motion was approved 8-0. A motion was made by **Commissioner Miles** to nominate **Commissioner Brocato** to secretary, **Commissioner Bates** seconded the motion. A voice vote was taken with the motion being approved 8-0.

## **5. PUBLIC HEARINGS**

- a) **PZ 2021-16: Subdivision proposal, Hogan Road west of Viaduct Street.** A public hearing to consider an application for a subdivision of property located on Hogan Road, approximately .25 miles west of Viaduct Street. The property totals approximately 80 acres and includes several different tracts bordering Hogan Road and a portion of which borders Thornton Road. The applicant is proposing to divide the property into two lots: Lot 1, 20.06 acres and Lot 2, 60.11 acres. The property is currently vacant land zoned C-2 Arterial Commercial. Lamar Capital Investment and Three Property Partners, LLC, applicant.

Chairman Bruns introduced and opened the public hearing. Administrator Roth presented & read the staff report. Administrator Roth wanted to be clear that this is only a subdivide, and that the city has not received any plans for an actual development. The idea is to take the approximate 80 acres that is currently one large lot, and divide this into two lots known as Hogan Heights. One being approx. 60 Acres & the other being approx. 20 acres. It meets all the subdivision requirements except water and sewage. Lot 1 which is adjacent to Thornton Rd, currently has water and sewage, but Lot 2 which is the 60-acre tract has no water & sewage for most of it. The proposal is to connect to the existing services the city has on Hogan rd. Being Lot 1 having first access, and Lot 2 later being connected. The water and sewage are highly unlikely to be sufficient for any development on Lot 2, if and when the city is given development plans the water and sewage will have to be re-evaluated. Administrator Roth stated the actual improvement plans are currently being discussed. With a solution possibly being a new water well put over on that side of the city. There needs to be final set plans before heading to the Board of Alderman. Commissioner Koelling asked if the well would go on one of these lots. Admin Roth stated that he wasn't sure but when they get a better set of plans of what's happening then they could understand more about what all is needed. Chairman Bruns asked in regards to the utilities how much does the city have to absorb. Admin Roth stated that the subdividers are responsible for this. Commissioner Bates stated that traffic is an issue on Hogan Rd, and would like to see a traffic study done before this is started. Admin Roth stated that Hogan Rd is an issue, but it's also a MODOT route. Commissioner Bates wants everyone to know that that whole area of Hogan Rd and Viaduct is a major issue and doesn't want this to be an afterthought. Admin Roth agrees that Hogan Rd is a major issue and it needs a lot of work done to be prepared for a development of any kind. Chairman Bruns then asked if anyone with speaker cards, if they would like to speak.

### **Speaker Cards**

**Cameron Lueken 512 E Main St Union, MO 63084** works for Wunderlich Engineering and he's representing Jim Wooten the owner of Three Property Partners LLC. Currently at this moment there is no plans for development. They are just trying to make sure they are working close with Public Works and City of Pacific so that everything is done the right way.

**Jim Wootten, 153 Grange Court Weldon Springs, MO 63304**, he picked this property up last July through a bankruptcy transaction. Currently has no plans at this moment but is taking interest. Realizes that Hogan Rd needs fixed and that he has to do the utilities and take all this in to consideration more than anything. Had some people show interest to develop but never took anything to the next level. Happy with this area since it shows a lot of growth but currently for the next 6-12 month there are no plans at this time. Just wants to subdivide the property.

**Bill McLaren, 684 Phelan Rd, Pacific MO 63069**, appreciates the opportunity to speak. He has no issues with Mr. Wooten. His family owns the property on both sides of the area in question. He's not representing his family, only himself. The water, sewer & gas line main are on his property not the city of Pacific's. This would have to cross his property to get here. He's requesting that after 12 years that the City finally does this right. It's his understanding that after the bankruptcy there is another subdivision under contract on the other 60 acres. There have been multiple mistakes time and time again. Mr. McLaren has a ton of respect for Wunderlich Engineering. He's hoping that the remaining 63 acres is handled and corrected.

**Chairman Bruns** asked **Admin Roth** if it's possible to subdivide this property again at a later date. **Admin Roth** stated that it actually could be subdivided multiple times. **Chairman Bruns** stated that if they did that then it would be subjected to the same hearing as tonight.

**Chairman Bruns** closed the public hearing after no one else requested to speak.

- b) **PZ 2021-17: Conditional Use Permit, Automobile sales, 2009 W. Osage. A public hearing to consider a request to conduct an automobile, marine and power sports sales and service operation at this location. Such a use is not specifically permitted in the C-2 Arterial Commercial zoning district. Franklin County Parcel ID: 19-1-11.0-2-099-014.000. Jeffrey Busam, applicant**

**Administrator Roth** stated that **Community Development Director Steve** Myers was not present and he actually wrote the staff report. **Admin Roth** read from the staff report. **Applicant Busam** was here about 2 years ago with a similar CUP request that was actually approved. What has triggered the CUP permit request is the sale & service of new and used cars, trucks, boats, RV's & motorsports. It's explicit in our zoning code that require a CUP permit. He did receive it again and was approved by the Board, but there is an expiration and it expired. So, the proposal is here brought back in almost the exact same form. In the city's judgement the standards have all been met. It's the staff's opinion that we would recommend approval. **Chairman Bruns** then asked the applicant to step up to speak.

**Jeff Busam Applicant, Hwy MM, Gray Summit**. He's bringing forward the same project as before. After it was approved the last time, the seller gave me a 7-page deed restriction on the property that was in direct conflict in what we wanted to do. We abandoned the project. But we've now renegotiated the deed restriction. This property

should have been blighted and torn down. Everyone knows my work, I keep my property nice, I'm going to make this a really nice piece of ground.

**Chairman Bruns** stated that before that they had restrictions on the CUP of no towing & storage, no outside maintenance, parking lot sealed and repaired & a site proofed fence and if there's more than two property violations within a 12-month period then you would have to come back before Planning & Zoning Commission to make recommendation to the board of Alderman. **Applicant Jeff Busam** stated he was not aware but he has no problem with that. **Commissioner Koelling** stated he wanted to talk about the towing and storage. **Applicant Busam** stated he doesn't have towing, but he does have inventory that will sit there for sale. **Commissioner Brocato** wanted to know what is different between this plan and the plan before. **Applicant Busam** explained that nothing except the deed restrictions. **Commissioner Madrigal** asked if he had plans to tear down the building or keep the structure. **Applicant Busam** stated the building actually is good, but it just looks really bad. He thinks he is going to make it look really good. **Commissioner Presley** stated he's seen a lot of Jeff's work and that he's very good at what he does and we are lucky to have someone like him investing into Pacific. **Chairman Bruns** asked if anyone wanted to speak at this time. Since there weren't **Chairman Bruns** closed the public hearing.

## **6. New Business**

- a) **PZ 2021-16: Subdivision proposal, Hogan Road west of Viaduct Street, A** motion was made by **Alderman Eversmeyer** to approve this subdivision and was seconded by **Commissioner Madrigal**. A roll call vote was then taken with the following results. Ayes: **Commissioner Miles, Chairman Bruns, Commissioner Madrigal, Commissioner Graham, Commissioner Bates, Alderman Eversmeyer, Commissioner Brocato, Commissioner Koelling, Commissioner Miles & Commissioner Presley** Nays: none Motion approved 9-0

**Chairman Bruns** stated that this will go to the Board of Aldermen's next meeting subject to all the drawings and utilities.

- b) **PZ 2021-17: Conditional Use Permit, 2009 W. Osage Parcel ID: 19-1-11.0-2-099-014.000, Automobile Sales, Jeffrey Busam, applicant,** Motion to approve by **Commissioner Brocato**, seconded by **Commissioner Madrigal**. **Commissioner Brocato** changed the motion to include the previous restrictions; no towing and storage, no outside maintenance, site proof fence, parking lot sealed and repaired. In addition, if there are two violations on property maintenance in 12 months then the applicant would go back before the planning and zoning. Motion seconded by **Commissioner Madrigal** a roll call vote was taken with the following result: Yay: **Commissioner Miles Chairman Bruns, Commissioner Madrigal, Commissioner Graham, Commissioner Bates, Alderman Eversmeyer, Commissioner Brocato, Commissioner Koelling, Commissioner Miles & Commissioner Presley** Nays: none motion passed 9-0

## **7. OLD BUSINESS**

- a. Accessory Structures: **Admin Roth** stated there has been some minor changes from what was discussed from last meeting. They looked into what other cities do and how they handle the accessory structures, but we didn't find too many instances. Eureka prohibits them we do know. They could not find anyone that actually allows them. In regards to a hard surface driveway to an accessory building we looked at other cities, but again we didn't find many instances where it pertained to this. What we did find is that it appears that we would recommend a hard surface driveway for newly erected accessory building for garages. Again, this is only for the larger scale buildings, garages or vehicle structures. This would not apply to existing structures, and would of course be grandfathered in. **Commissioner Bates** stated that he doesn't like this. He wants to make it easier for people to put a utility building up. He wants people to put junk inside not outside. If you now add the cost of paving a driveway, now it's too much for most people in our community. Many of the commissioners agreed with **Commissioner Bates**. **Commissioner Bates** stated that this might make someone decide to build their house in Villa Ridge than in Pacific and this is what we're competing with. **Commissioner Madrigal** suggested to just take this out of the ordinance. **Commissioner Bates** recommends to take out section 7 out of the ordinance and do not address it. Leave everything else the way it is. **Admin Roth** stated that he thinks that would work. **Chairman Bruns** struck #7 from the ordinance. Everyone agreed that the rest of the ordinance looks good and well. **Admin Roth** stated that in any R district you can get a CUP for this issue.

## **8. Committee Reports**

- a. Board of Alderman: **Alderman Evesmeyer** stated that property value is up, so the city is up. Moving forward with looking to improve our maintenance facility and the Jenson Point area.
- b. Board of Adjustment: none
- c. City Administrator: **Admin Roth** stated that when dealing with the Lamar Industries the city position has always been to try and do the right thing, and to make sure that everything is correctly done. But again, it's private property. The city of course wants to do it right, we just want to be clear on this point.

**Commissioner Brocato** stated that there are 2 cargo trailers that she knows of in the city. What is the city going to do about that? **Admin Roth** stated that we'll have to look into them. In M zones they are permitted subject to some limitations. Going forward we just have to address them through the nuisance code. **Commissioner Brocato** also asked about the house on Gray Summit Road. **Admin Roth** stated that unfortunately he doesn't know what is going on and in an open public meeting he doesn't want to say something that is incorrect in this setting. **Commissioner Miles** asked about property being junked up and code violation and what is being done about this. **Admin Roth** stated that the code

enforcement officer Gary Watson had been previously been housed under administration. Over the last two weeks he now is under direct supervision of the Chief of Police. His office is in the PD department now. Code enforcement deals with code violation and zoning matters. We have a Problem Property meeting that meets extensively. These houses that you see are usually always cited, and ends up in the court system. We are trying to look at other areas to find a way to clean up these eyesores. The city is making a much stronger effort going forward. But often this gets into a standstill, if the property owner doesn't comply, we don't have many options.

**9. Adjournment:** There being no further discussions, Chairman Bruns asked for a motion to adjourn. A motion was made by Commissioner Brocato and seconded by Commissioner Presley. A voice vote was taken and the meeting was adjourned at 8:02 p.m.

# MEMORANDUM

Steve Roth  
City Administrator

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

October 8, 2021

**TO: Planning and Zoning Commission**  
**RE: October 12 meeting items**

Hello everyone,

The Board of Aldermen at its October 5 meeting referred or "remanded" the Accessory Structures Text Amendment to the Commission for further review. The primary concern was how to treat cargo containers that are located in Commercial or Industrial Districts. The relevant code section is reprinted here:

8. Cargo containers are prohibited for use as accessory buildings or structures in residentially zoned districts. When installed in commercially zoned districts industrial storage containers must be screened from view from the public right-of-way or abutting residentially zoned properties.

One question that was raised at the Board of Aldermen meeting related to screening: If the maximum fence height in C districts is six feet, then how can you adequately screen a cargo container in C districts? This is a good question and would likely require an amendment to the fence regulations to permit taller fences. Screening from the public right-of-way in C districts frankly would be difficult to do.

Staff has not reviewed in great detail. However my preliminary suggestion is to consider prohibiting cargo containers in C zones outright, with provisions to allow them by CUP. Any cargo container currently in use in a C district would either be "grandfathered," or given a grace period to allow for its removal. Please note this is preliminary only and we would like to review in more detail before presenting a firm recommendation.

With respect to industrial districts, I would not recommend regulating cargo containers in any way. The exception would be industrial properties that abut residential districts, but here the screening and landscaping provisions already in place should provide for this. We will review a little more fully and provide further information at the meeting.

Respectfully submitted,



Steve Roth  
City Administrator



**BILL NO. 5110**

**ORDINANCE NO. \_\_\_\_\_**

**SPONSOR \_\_\_\_\_**

**AN ORDINANCE AMENDING THE REGULATIONS AND STANDARDS FOR ACCESSORY STRUCTURES, BUILDINGS AND USES**

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PACIFIC, MISSOURI, AS FOLLOWS:**

**Section 1.** Section 400.180 of the Code of Ordinances of the City of Pacific shall be amended as follows:

Add a new section, Definitions, as follows:

**CARGO CONTAINERS**

Cargo containers include standardized reusable vessels that were:

- a. Originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or
- b. Originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms “transport containers” and “portable site storage containers” having a similar appearance to and similar characteristics of cargo containers.

**Section 2.** Section 400.180, Subsection D. of the Code of Ordinances of the City of Pacific shall be repealed and replaced as follows:

**D. Development Standards.**

1. No accessory building or structure shall be permitted in any required front yard.
2. No accessory building or structure shall be used prior to the establishment of its principal building or structure, except as an otherwise allowable temporary construction facility for the principal building or structure.
3. Accessory buildings and structures shall be set back at least five (5) feet from the rear lot line and at least five (5) feet from the side lot line, including eaves or other overhangs or projections. Above ground swimming pools shall maintain a ten (10) foot setback from all property lines.
4. (Reserved)
5. No part of any accessory building or structure shall be located closer than ten (10)

feet to any principal building or structure or other accessory building or structure, including eaves or other overhangs or projections.

6. Accessory buildings or structures in any residential district shall not exceed the height of the primary structure or fourteen (14) feet in height, whichever is less.
7. Accessory structures must be architecturally consistent in design with the principal structure and constructed of materials and have exterior finishes which are compatible and harmonious with those of the principal structure.
8. Cargo containers are prohibited for use as accessory buildings or structures in residentially zoned districts. When installed in commercially zoned districts industrial storage containers must be screened from view from the public right-of-way or abutting residentially zoned properties.
9. Accessory buildings may not have interior or exterior lighting which would shine directly on any adjacent property.
10. No accessory structure may be so located as to block natural surface water drainage or cause a diversion of surface water onto other properties.
11. Accessory structures and uses shall otherwise comply with all the development standards, codes, and floodplain regulations applicable to the zoning district in which they are located to include lot coverage.

**Section 3.** Cargo containers for use as accessory buildings or structures may be permitted in any “R” Zoning District, subject to authorization by Conditional Use Permit.

**Section 4.** This Ordinance shall be in full force and effect from and after passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2021. \_\_\_\_\_  
*Herbert C. Adams, Acting MAYOR*

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2021. \_\_\_\_\_  
*Herbert C. Adams, Acting MAYOR*

ATTEST:

\_\_\_\_\_  
City Clerk