

**CITY OF PACIFIC  
PLANNING & ZONING MINUTES  
March 14, 2023 at 7:00 p.m.**

**Call to order:** The meeting of the Planning & Zoning Commission was called to order by Chairman Bruns at 7:00 PM on Tuesday, March 14, 2023. The Public was able to attend in person and the meeting was streamed live on the City of Pacific You-Tube channel.

**Roll Call:** Chairman Bruns, Commissioner Bates, Commissioner Koelling, Commissioner Flannery, Commissioner Miles, Commissioner Graham, Commissioner Brocato, Alderman Eversmeyer, Commissioner Madrigal.

**Absent:**

**City Staff:** City Administrator Roth, Community Development Director Myers, Community Development Clerk Wilson.

**Approval of Minutes:** Regular meeting on January 24, 2023.

**Motion made by Commissioner Brocato, seconded by Commissioner Miles to approve. A voice vote was taken with an affirmative result. Opposed: none.**

**Public Participation:** One speaker card was turned in.

Public Hearing:

- a. PZ 2023-05: Route 66 Business Park L.L.C. has applied for a rezoning from C-1 to M-1 for property generally located at 508 Route 66 Business Parkway and including all of Lot 5, St. Louis County Parcel ID 30Z310293.

Chairman Bruns read the public hearing into the record.

Staff report was given by Community Development Director Myers. The applicant has applied to rezone Lot 5 where he plans to build one building that will house two tenants. The building would be similar to the one that currently houses Dap. That is in harmony with the M-1 zoning and the rest of the Route 66 Business Park that surrounds the property on the North and East. This building would be for general office, light manufacturing, warehousing and other general industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive, radioactive and other hazards and harmful or obnoxious matter. The applicant has stated that the proposed use would be office/warehouse buildings that fits the M-1 Industrial use. They feel that the development will help meet the demand for warehousing for a local company needing to expand and will attract another outside company looking to relocate to the area. The development is expected to bring good jobs to Pacific and will have minimum impact to the surrounding properties. They intend to plant a buffer along the southern property line that would provide for screening of the industrial use from the view of passersby. The southern side of the site is bordered by Osage Street with C-1 Downtown Commercial use on the south side of Osage, C-1 Downtown Commercial use to the west and east (Dollar General & Bella Landscaping) and M-1 Light Industrial to the north and northeast. (Dap Global, Insulite Glass, Former Clarkson Eyecare Lab). The comprehensive plan listed the highest rated concern among survey respondents as “economic development” and the third highest rated

concern as “unemployment/job creation”. This development will allow for recruitment of new local jobs which is listed as “an important issue that must be addressed”. The Comprehensive Plan calls for more land area planned for industrial and commercial development to meet Pacific’s long-term economic development needs. This reviewer has discussed the proposal to bring industrial development and good paying jobs that such development typically brings with the applicant, has visited the proposed site and received no phone calls from concerned property owners. Additionally, it is recommended that consideration be given to the possibility of a large “Historic Route 66” themed mural to be incorporated on the southern wall of the building that would be designed with decorative landscape highlights and lighting that would make it an attractive addition to Historic RT 66 travelers. The developer is not opposed to this suggestion. The M-1 zoning proposed for this tract in our judgment best fits the character of the surrounding district and is in harmony with the Comprehensive Plan. We respectfully request approval.

Chairman Bruns asked Commissioner Bates if he remembers a discussion about all properties along Osage being zoned C-1 Commercial Downtown District. Commissioner Bates acknowledged that there had been a conversation about that topic. He could not recall how the conversation had concluded or what action had been taken. Aldermen Eversmeyer stated that at one time this property had been zoned for an apartment complex. Commissioner Bates agreed and said that the zoning had changes a couple of times. He pointed out that US Silica is right down the road and is right off of Route 66 (Osage) but it’s zoned industrial and that the property is surrounded by an industrial park right now. Chairman Bruns says that Dollar General is right next door and the old plaza is right across the street. Community Development Director Myers said that he spoke with the applicant who owns several properties close to B&H Market on Osage that are for sale commercial/retail. The applicant told him that there had been more action in the morgue than there has been for retail development in Pacific. Community Development Director Myers said that if we wait for retail to come to this piece of property it’s going to be a long wait. Chairman Bruns stated that when Dollar General came to town that Planning and Zoning had told them they could build a metal building, but the Board of Aldermen made them have a masonry building. Chairman Bruns thinks that if they allow this building to be built that it should have to be a masonry building and not a metal building. Commissioner Flannery stated that he was a selling agent on the land for the Dollar General project. He said that it was originally pitched as a metal building but they were told that it needed to be a masonry split face. Looking at the ordinance it says commercial zoning is required to have 75% of the five approved materials. M-1 along those arteries says it’s required to have 25% of the five approved materials. He points out that if the zoning is changed to M-1 that the building would not be required to be a full masonry front along the roadway. He went on to say that according to the zoning map provided in the staff report that this property is already zoned as a PUD on this parcel. He would like to know what the current PUD is and does it already allow for this request. City Administrator Roth said that there is a PUD that applied to lot 4. This request is for lot 5. He said that when the applicant first applied, they both thought lot 5 was zoned M-1 and there is some mention of that in the file. They did go back to the original zoning ordinance which was in the staff report packet and they only found a PUD on lot 4 for the Dollar General building. He stated that they researched it very thoroughly and determined that Lot 5 is zoned C-1. Commissioner Flannery says that according to the future land map provided in the packet that it’s zoned commercial and industrial in that area. Whereas, the current zoning map has it zoned C-1 with hash marks suggesting a PUD although he

doesn't doubt City Administrator Roth. He acknowledges that things do and have changed. Community Development Director Myers says that it was not clearly stated on the map as to whether this piece of ground was covered or not for this use. Chairman Bruns states that this another "clean up" that needs to be taken care of. Chairman Bruns asked if the applicant was present and he was not, but he was available by phone if needed. Commissioner Bates wanted to know what the ultimate determination on whether the entire parcel was involved in the PUD 2438 from 2005. Community Development Director Myers said the developer was surprised when the question about that parcel being M-1 came up. He said that he dug into it with City Administrator Roth and they determined that it wasn't clearly defined for Lot 5. City Administrator Roth clarified that 2438 was the original zoning ordinance for this business park. Some of it was zoned M-1 and some of it zoned C-1. After having those tracts mapped by a surveyor he thinks it's pretty clear that Lot 5 fell into the C-1 category. There is no question that it was originally zoned C-1. Commissioner Flannery states that demand is there for industrial and that we have open commercial properties in town that are not selling or getting any interest. Commissioner Bates says he wishes there were more commercial need, but this property has been vacant since 2005 and now there is someone wanting to do something with it. He thinks that if we have a chance to bring jobs to Pacific then it needs to be done. Community Development Director Myers says that the developer already has a local company who is looking to expand interested in rent half of the building and there is another company from St. Louis who is interested in taking the other half and moving their business to Pacific. This building would not be sitting vacant for a long time.

Chairman Bruns closed the public hearing.

- b. PZ 2023 -06: Conditional Use Permit, Klance Staging, 129 E. Pacific Street: A public hearing to consider an application for a Conditional Use Permit (CUP) at 129 E. Pacific Street, Pacific, MO 63069. (Franklin County Parcel IDs: 19-1-12.0-4-014-204.000, 19-1-12.0-4-014-204.100, 19-1-12.0-4-014-204.200, 19-1-12.0-4-014-204.300.)

Chairman Bruns read the public hearing into the record.

City Administrator Roth gave the staff report. The applicant has submitted a request for a Conditional Use Permit (CUP) to operate an open storage yard at this location. It's four parcels currently zoned M-1 light industrial. As noted previously, open storage uses are not specifically addressed within the current M-1 zoning district regulations. We have had occasional inquiries over this type of use, especially in the M-1 sections of the floodplain, and we have interpreted the Zoning Code to require a CUP for any such use. At this location the use is complementary to existing uses to the north (storage buildings) and west (metals recycling). City Administrator Roth states that the applicant is in attendance to answer any questions the commission may have. The applicant is currently under contract to purchase the property from the City of Pacific. One condition of the purchase agreement is that the applicant remove the existing chain link fence at the north perimeter of property, and plant new trees along the north and west perimeters of the property. The applicant is also required to construct a barrier on the east property line that is suitable to the City. Our suggestion is a landscape barrier that would create a visual screen between the subject site and the City park property to the east. Section 405.040.B. provides the standards for which this application is to be reviewed. It is important to note that there are no

residential uses adjacent to the subject site and the proposed use is complimentary to its surroundings. The proposed use is common in light industrial areas. Given that there is no new construction proposed in this project, the construction standard here then is subject to some interpretation. The floodplain location of this project in our judgment should allow for some flexibility in the hard-surfacing requirement, especially for areas zoned M-1. The applicant will be required to meet the City's storm water requirements as a condition of developing the property. The primary use of the property will be open storage, with limited traffic and congestion. Any increase in traffic congestion and noise at this location is expected to be negligible. City Administrator Roth wanted to point out that the contract includes a provision in which the City would acquire an approximate 1.54 acre parcel located at 750 S. First Street, as part of the transaction. This parcel is located at the northeast corner of 1st Street and LK Duncan Drive, essentially at the south entrance to Liberty Field. He believes the city would have more of a use for this parcel than the ones being sold to the applicant. Staff recommends the approval of this CUP. Chairman Bruns asks if there was a flood and a voluntary buyout happened would the City get this property back. City Administrator Roth said yes, that would be a possibility. He said that the property owner would have to voluntarily participate in the buy out and funding would need to be available. He states that it would be impossible for him to guess whether or not the city would want to buy it back in the future, but that is essentially could be eligible. Community Development Director Myers points out that flood buy out has to do with structures and not open spaces. City Administrator Roth agrees that the State of Missouri is not going to do a buy out without structures, but that the house on this parcel could be bundled with the surrounding open spaces. Commission Bates asks what is planned to be stored at this location. He expresses concerns about flooding and pollutants going into the river. Chairman Bruns invited the applicant to address the commission. Applicant stated his name as Linn Vogt and his address as 1780 Christy Dr in Pacific, MO. Mr. Vogt says that they want to put a gravel lot in where he plans on storing trailers. He says that everything his company owns is professional and very heavy stuff that will not float away. His company does staging for shows and big arenas. He lists some events and concerts they have done work for including the Pope, Billy Graham's Funeral, U2, and Frank Sinatra. Mr. Vogt says they own about 50 trailers and only 15 tractors. The idea is to store the trailers at the property until it's ready to unloaded at their Jefferson St. property. Everything that is going to be at this lot is on trailers, nothing on the ground. He said he was initially worried about a flood, but he knows he could get all of his equipment moved out in time. His equipment is very expensive and he doesn't want to lose any of it to a flood. Commissioner Bates says he's familiar with his company and that they are a professional outfit. Mr. Vogt says one thing his company is good at is moving things quickly. Chairman Bruns asks if he is totally opposed to a hard surface instead of gravel. Mr. Vogt says that it would cost three quarters of a million dollars to pave that size of a lot and that is a concern. Commissioner Flannery asks City Administrator Roth if this property is flood plain or floodway fringe. City Administrator Roth says it's flood plain. Commissioner Flannery points out there are parcels near this property that are gravel lots and have outside storage already. We did not make them pave their lots. Commissioner Flannery wonders if this shouldn't be rezoned to C-1 from M-1 to kill two birds with one stone. He wants to say a public thank you to Mr. Vogt for everything his company has done for the community. He says that the Rodeo has been able to grow so much because of the stages and seating that he donates to the Rodeo each year. Commissioner Koelling asks how passing a CUP at this property affects possible future CUPs in this area. He wants to know if this sets a precedence and if this is really the type of thing, we want in this part of town next to our parks. He doesn't see how this project would beautify the area. City Administrator Roth said that CUPs were very site specific. He feels with this

project the landscape barriers will help protect the view from the park area and keep it nice. Commissioner Koelling is still nervous about setting a precedence. City Administrator Roth said that he has discourage some requests in the flood west of first because they didn't fit the area. There is more housing on that side of first and he feels it's not appropriate for some businesses. He feels the property proposed is a suitable space for this type of business. Mr. Vogt says he plans on having a large landscape barrier that should be taller than his trailers. He says there will be a berm with large trees and bushes planted in the berm.

Chairman Bruns closed the public hearing.

**New Business:**

- a. PZ 2023-05: Route 66 Business Park L.L.C. has applied for a rezoning from C-1 to M-1 for property generally located at 508 Route 66 Business Parkway and including all of Lot 5, St. Louis County Parcel ID 30Z310293.

Commissioner Flannery questioned if the rules were going to change at the State level and if we the Commission was going to have to come back and reapprove this with updates later on down the road. City Administrator Roth said that he was unaware of any upcoming changes that would be relative to the State law. Aldermen Eversmeyer suggested these changes need to happen, so businesses wanting to sell recreational marijuana could do so legally within the City. City Administrator Roth has reached out to Verts, our local medicinal marijuana business. They have applied for a recreational license from the State and told him they should know by February 8, 2023 if they will be allowed to sell recreational as well. Since the State law changed our ordinance has been left open to interpretation and City Administrator Roth would prefer to make it clear.

**Motion made by Commissioner Bates, seconded by Commissioner Miles to recommend approval for PZ 2023-05 as presented with a green barrier subject to stipulations as applies to M-1 industrial. A roll call vote was taken with the following results: Ayes: Commissioner Flannery, Commissioner Miles, Commissioner Bates, Commissioner Brocato, Alderman Eversmeyer, Commissioner Madrigal. Nays: Chairman Bruns, Commissioner Graham. Abstain: Commissioner Koelling.**

- b. PZ 2023 -06: Conditional Use Permit, Klance Staging, 129 E. Pacific Street: A public hearing to consider an application for a Conditional Use Permit (CUP) at 129 E. Pacific Street, Pacific, MO 63069. (Franklin County Parcel IDs: 19-1-12.0-4-014-204.000, 19-1-12.0-4-014-204.100, 19-1-12.0-4-014-204.200, 19-1-12.0-4-014-204.300.)

Commissioner Flannery had discussion before the vote. He wanted to know if it would be better to rezone and approve the CUP. City Administrator Roth said he doesn't see the point of doing that. Commissioner Flannery said to keep the zoning the area more uniform. Chairman Bruns points out that there is some M-1 already in that area.

**Motion made by Commissioner Madrigal, seconded by Commissioner Brocato to recommend approval for PZ 2023-05 as presented. A roll call vote was taken with the following results: Ayes: Chairman Bruns, Commissioner Graham, Commissioner Flannery, Commissioner Miles, Commissioner Bates,**

**Commissioner Brocato, Alderman Eversmeyer, Commissioner Madrigal. Nays: Commissioner Koelling.**

Chairman Bruns says that she received a speaker card from Commissioner Koelling and he would like to address the commission before we go into old business. Commissioner Koelling stated his name, Gary Koelling and his address as Old Gray Summit Rd. He wanted to give an update on the Brush Creek Subdivision. His son in law has been picking up a lot of trash off of his property. Commissioner Koelling says that water takes the path of least resistance and he is getting a lot of water on his property. He would like the commission to keep this in line for the future. Commissioner Koelling said that part of the fence came down on his side of the property line, so he tossed it back on to their side. He said that they threw it back onto his property. Chairman Bruns said that there is no excuse for this happen. Community Development Director Myers said that the builder was contacted last week and all of Commissioner Koellings concerns were talked about. He was assured that they would be taken care of. Chairman Bruns said that there is never an excuse for water being drained off onto property owners.

**Old Business-**

None

**Committee Reports-**

- a. Board of Aldermen- No report
- b. Board of Adjustments- No report
- c. City Administrator- No report

**Adjournment**

**Motion made by Commissioner Flannery, seconded by Commissioner Madrigal. A voice vote was taken with an affirmative result.**

**Meeting adjourned at 8:18 p.m.**