

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

July, 27th 2021

The Planning & Zoning Commission Meeting was called to order by Chairman Bruns at 7:00P.M. on July 27th, 2021.

The roll call was taken with the following results:

Present:

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

Administrator Roth, City Development Clerk Fodge were also in attendance.

Commissioner Miles was absent from the meeting.

Approve Minutes

- a. Planning & Zoning Minutes-June 22nd, 2021

Motion made by Chairman Brocato, seconded by Commissioner Presley to approve the minutes from April 13, 2021. A voice vote was taken and motion was approved 8-0.

(The minutes approved were actually from June 22nd Planning & Zoning meeting & not from the April 13th, 2021 as Commissioner Bruns stated)

Public Hearings

- a. a. **PZ 2021-13: 301 W. St. Louis, Multi-purpose events center, Conditional Use Permit, The Royal LLC, Shauna Jackson, applicant. A public hearing to consider an application for a Conditional Use Permit (CUP) at 301 W. St Louis St., Pacific, MO 63069 (Franklin County Parcel #19-1-12.0-4-003-030.000). The applicant is proposing to operate a**

multipurpose event center at this location, which is currently zoned C-1 Downtown Commercial. Such a use is not specifically permitted in this zoning district.

Chairman Bruns read the Public Hearing into record. She opened the Public Hearing for comments. She asked for the report from Administrator Roth.

Administrator Roth read from his report The applicant originally submitted this request in May, 2021, and a hearing was scheduled for the June 22 meeting. Prior to the hearing the applicant withdrew the application, for lack of sufficient financing. Admin Roth states it is his understanding the applicant now has the necessary financing in place, and intends to proceed with the application.

The staff review of this issue has not changed since the original application. We had one comment from a Commission member since the last meeting regarding potential property maintenance code violations, and Admin Roth suggestion is that any approval granted for this CUP be conditioned upon the applicant being in compliance with the Property Maintenance Code as a condition of occupancy. This has been the general practice in the past, though it has not referenced specifically in the CUP approval. Staff has no objection to this and so would suggest it be placed as a condition upon the use, assuming again that the Commission would recommend approval.

As noted in the June 22 report, the applicant has submitted a new request for a Conditional Use Permit (CUP), for obtaining the zoning entitlement to conduct a multi-purpose event center use at the subject property, former home to the Royal Theater. The petition has required a new set of fees, hearing notices and notices sent to nearby property owners. Shauna Jackson, the lead applicant, has indicated the property is proposed to be developed by an ownership group including several partners. The basic plan is to redevelop the interior of the building primarily as a large meeting space, to potentially be used for small events, community meetings, classes or similar uses. In addition, the partners envision a photography studio and office space to be integrated into the plan.

The event center use is not specifically permitted in the C-1 Downtown Commercial zoning district. Office and photography studio uses would be permitted. Therefore, the CUP relates to the “event center” use only, and would not apply to other permitted uses.

As noted above, the subject site is located in the downtown area, at the northwest corner of W. St. Louis Street and Third Street. The property initially was a movie theater but in recent years was converted into storage and retail uses. The building footprint is approximately 5,000 square feet, not including the outside front entrance area. The property is bordered by residential uses to the west and north, and commercial uses to the east and south.

Admin. Roth Proceeded to give the following 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 are several items that must be verified prior to meeting the standard.
- b. At the specific location will contribute to and promote the community welfare or convenience.

This standard has a degree of subjectivity involved. The intensity of the use in staff's judgment is similar to that of a movie theater, and would potentially be a hub of activity in the downtown area. Staff would recommend certain conditions to assure that the use is limited and contained, but assuming such conditions are placed, we find the use to be in compliance. **This standard to be verified.**

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

Use of this property should be subject to limitations on hours of operation, occupancy limits, and noise limits. Assuming such limits are imposed the project would in staff judgment enhance the value of neighboring properties, and would not create a nuisance. **The standard to be verified.**

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

The proposed use would create activity in the downtown district, which is clearly supported in the Comprehensive Plan. The event center use is not dissimilar to other permitted uses in the downtown district, such as "Assembly Halls and private clubs, lodges or organizations of a fraternal or religious nature..." **The standard has been met.**

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

There is virtually no off-street parking at the subject site. However, this is not unusual for the central downtown, and is accommodated in the Zoning Code. **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. **Standard to be verified**

The site is improved with a commercial structure. No exterior or site improvements are proposed by the owner at this time. **The standard has been met.**

- g. Will not substantially increase traffic congestion and noise. While reuse of this building will increase activity, traffic and parking at and near the site, the scale of the project would not be

expected to cause traffic “congestion.” Limitations on noise should be placed as a condition of the use. **The standard to be verified**

Administrator Roth’s Recommendation: As with any CUP application, we would advise the Commission receive a thorough description of the proposed use from the applicant before proceeding with a final recommendation to the Board of Aldermen. Staff in its preliminary review welcomes the applicant’s plans to revive and renovate the property, and feel the center’s potential as a hub of activity in the downtown area would be beneficial to the district at large. We further believe the potential impacts can be mitigated via conditions placed upon the use. **Admin. Roth** also stated that some of the condition, were actually used for Dew Bolt Inn Bar and Restaurant.

The following conditions should thus be set to assure that the use is protective of the nearby properties:

1. Hours of operation to be limited to 10 p.m. Sunday through Thursday, and 11 p.m. Friday and Saturday.
2. Occupancy limit to be established based on gross floor area of the finished meeting / event center space.
3. No customer parking shall be allowed on Third Street or Union, north of the building at 301 West St. Louis Street.
4. No nuisance behavior shall be allowed, including but not limited to littering, drunk and disorderly behavior outside of the establishment and trespassing onto private property.
5. Noise levels measured at the property lines of 301 W. St. Louis Street shall not exceed those levels permitted for commercial properties in the St. Louis County Noise Control Code. Chapter 625 of the Revised Code of Ordinances of St. Louis County, Missouri is hereby incorporated by reference, to the extent that it is applicable to commercial properties.
6. Applicant to be in compliance with the Property Maintenance Code as a condition of occupancy.

Administrator Roth states that 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. **Commissioner Bruns** thanked Administrator Roth for his report and then asked Applicant Shawna Jackson to come up and speak.

Applicant Shawna Jackson introduced herself and gave her name and current address of Shawna Jackson, currently living in Villa Ridge. **Mrs. Jackson** explained that she’s an event planner. It’s been a two-year dream of hers to do something in Pacific, but she could never really find a place that worked for her. Mrs. Jackson and her family are all from Pacific and the surrounding area. **Mrs. Jackson** stated she can always remember hearing her family talk about what it was like going to the movie theater at the Royal back when it was opened, it’s always been a dream to be able to see that herself. One day when driving by the Royal Theater **Mrs. Jackson** thought this would be a great place to bring back, not just for her family and friends but for the community of Pacific itself. A lot of people have asked her why she wants to do another venue business here in Pacific, since currently we have a few. This would be a unique place in that sure there are a few other venues in Pacific, but they are all very expensive. This would be

a place that you could have a birthday party or wedding and it would be affordable for the average person who still wants that amazing venue. Initially, Mrs. Jackson realized getting this started was way more than what she planned or was capable of doing alone. However, upon discussing this with some of her friends they all decided to do it together be that 3 of the investors are also Pacific alumni. We are wanting office spaces but, it's really just our office spaces. We want to make this feel like it's still the Royal so we'll have to have people give us ideas. We want to put in a photography station in the second floor or top floor. Since the words gotten out, we've had people that are wanting farmer market venues or cornhole tournaments each month. We also have a class reunion where maybe we would like to always donate it to the class reunions. We tried to get into the June meeting but we had meetings with a lot of banks but we got turned down. We thought it was over, but we're contacted by a bank that actually had a Pacific-alumni that said they would be able to get us help and get this done. Mrs. Jackson stated that this bring us to where we are now. Where we are hoping to get approved to the next step.

Commissioner Bruns then asked some questions to Admin. Roth about the capacity of the building to which Admin. Roth did not know but did say it has been calculated per City building & occupancy code. **Mrs. Jackson** also stated that they are looking to extend the balcony on both sides. There will be more seating area and space in addition to sometime down the road adding restrooms on both sides to make the occupancy a little bigger. They don't want to make it too much. Though the previous owner started doing some renovation they have some ways to go to finish what their plans are. Commissioner Bruns also asked about the outside of the building and getting everything up to code. **Mrs. Jackson** doesn't want to change curb appeal; we want to keep the generally aesthetics of the building. **Commissioner Bruns** asked about the floor being sloped as per her memory. But Mrs. Jackson informed the board that the previous owner fixed the floor a long time ago. Commissioner Bruns also asked Mrs. Jackson about some of the conditions and how she would feel about the limited hours of operations and other requirements. The current director of the Pacific Partnership Sam Dean then approached the podium and spoke. He explained that restoring the downtown area is the current description of his job. Mr. Dean requested that the hours of operation for Fri & Sat be set later than the current time of 10P.M. He is wanting to maybe see if they can come to agreement on just those days. Sam Dean also wanted the record to be shown that they are not planning on getting any kind of liquor license or sell any type of alcohol at this time. People are going to be bringing in their own catering and own food.

Commissioner Bruns also brought up the overgrowth on the west adjoining lot, and if it's this lot or another property. **Admin. Roth** responded that they have looked into this with code enforcement, and are aware of the issue. **Commissioner Bruns** wants the city to take this into consideration since it is currently out of the City of Pacific's maintenance code. With the bank spending hundreds of thousands of dollars and the applicant wanting to spend money, it's important to make sure this block isn't overrun with plant growth. **Commissioner Bruns** then

asked Admin. Roth if this can be accomplished. Admin. Roth stated that it can be done and we've actually had the code enforcement officer looking at what violations are available and what we can do about it. **Commissioner Bates** then asked Sam Dean if he was directly involved in this project. **Mr. Dean** replied that he was. **Commissioner Bates** stated he's looking forward to seeing this reopened and wished them luck.

Chairman Bruns then asked if anyone else wanted to speak. With no further comments or questions, **Chairman Bruns** closed the public hearing. **Admin. Roth** then requested to speak. He stated it might be best to add the condition of keeping the building the way it is for the general aesthetics of downtown. It's helpful to make sure that we don't allow them and then they side up the brick.

Motion was made by **Alderman Eversmeyer**, seconded by **Commissioner Brocato** to pass the zoning request, with the following contingencies: **Allow the longer hours of operations on Friday & Sat to 12P.M., preserve the general outside integrity of the Royal Theater & stick with all the requests Admin Roth had put in his report.** Chairman Bruns then requested a roll call vote with the following results. Ayes: Chairman Bruns, Commissioner Koelling, Commissioner Bates, Commissioner Graham, Alderman Eversmeyer, Commissioner Brocato, Commissioner Presley, Commissioner Madrigal. Nays: none. **Chairman Bruns** declared the motion carried 8-0.

Chairman Bruns then requested that something be put in the record for the cleaning up of the adjoining property, she then asked Admin Roth to put it in his report. Alderman Eversmeyer was then asked to bring it up at the next Board of Alderman meeting Aug 3rd

Public Hearing

Chairman Bruns read the public hearing into the record. She opened the public hearing for comments.

b. Minimum square footage requirements, single family residential.

Admin. Roth explains that this came about from a Board of Adjustment meeting and also been brought up by a realtor and builder. Currently, R1-A is a minimum built home of 1,000sqft. Earlier this year we had a proposal for a new single family residential with 864sqft that the board rejected, they were told they could appeal to the Board of Adjustment, which they declined to do. That build went away since the homeowner decided to not build anything at all there. This happened to be in the floodplain area. Admin. Roth is just throwing it out there if

there to see if we would want to re-assess it. He likes the 864sqft build and felt it was unfortunate that it got voted down. **Chairman Brun**s stated that she likes that 1000sqft requirement and it keeps builders from coming in some of these subdivisions and start building tons of homes on these small lots. There are ways around still being able to circumvent these requirements by going to the Board of Adjustments. If someone wants to build a smaller home than the required 1000sqft, then they can go to Board of Adjustments. Admin. Roth explained that when they adopted the comprehensive plan back in 2017 this was for creating a mixed-use district for the downtown area, but if we ever get to that, this would be a topic that the board could review then at that time.

Old Business:

Chairman Bruns asked if there was any old business in regards to accessory building amendments. Admin. Roth said he wanted to give an update on a few different amendments that were subject to public hearing before the former community development director left. They all did proceed and were adopted, but this one tonight did not proceed because there were still a lot of questions about it, however we are not ready tonight. We are waiting for another public hearing date in order to present the revised amendment.

Committee Reports:

- 1. Board of Alderman:** **Chairman Brun**s asked for any info on the Alderman meeting. **Alderman Eversmeyer** informed the board that the new lights along Viaduct went up today. He recommended to everyone get a moment drive out and take a look at them. He also informed them that they are going to be meeting with the Operations Committee on August 4th at 3pm to discuss the mural going in at Osage and First St. **Chairman Brun**s mentioned the wall needs to be fixed.
- 2. Board of Adjustment:** **Chairman Brun**s asked Clerk Fodge if there was anything on the board of adjustments to which **Clerk Fodge** replied no.
- 3. City Administrator:** **Admin. Roth** declared there was nothing to report. **Chairman Brun**s asked if the Board of Adjustments issues a variance and it's not completed today what are the steps to be taken. **Admin Roth** explained that he spoke to the attorney and that he's been informed that applicant will need to go back to the Board of Adjustment. **Chairman Brun**s stated the applicant has been given 17 months and that she should lose her CUP. We need to crack down on some of this stuff. **Alderman Eversmeyer** asked what steps are there to revoke the CUP. **Admin. Roth** replied it states in the code but it's not in front of him. It's apart of the CUP code. There's a process to it, the Board would have to take actions. **Alderman Eversmeyer** said he will bring it up at the Board of Alderman meeting. **Chairman Brun**s states that she's had 3 strikes, but now she's out.

Chairman Bruns asked if there were any more questions. Commissioner Koelling said he had some questions for Admin. Roth. Commissioner Koelling wanted to know why Sean Seymour lumped all the stuff together. He also mentioned litigation, now we're told that we can't talk about it separately. We were also told that we are not to listen to the public when in the past we always listened to the public. We never seen anything on the reports, no one ever showed us anything. Commissioner Koelling got a lot of calls over this issue and he would like to know going forward what is the way we are supposed to do going forward. Chairman Bruns explained that Admin. Roth was actually not at the last meeting but would go back and take a look. He also explained that anyone can talk at any public hearing. Letters are sent out and anyone that wishes to speak can speak. But you want to avoid this back-and-forth debate with the Board. Definitely ask questions but avoid getting in some kind of debate. Commissioner Koelling was confused why the vote was all lumped together. Alderman Eversmeyer explained that he recommended that, but Commissioner Koelling replied that it was also in Sean Seymour's report. Admin. Roth explained there was two different actions a rezoning and a preliminary plan. Admin. Roth promised to get with Sean Seymour and figure out so next time it doesn't happen again.

Adjournment:

Chairman Bruns asked for a motion for adjournment. A motion was made from Commissioner Presley which was seconded by Commissioner Brocato. A voice vote was taken with an affirmative result.

Meeting adjourned: 7:55 p.m.