

**CITY OF PACIFIC
PLANNING & ZONING MINUTES
September 13, 2022 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, September 13, 2022.

Roll Call: Commissioner Flannery, Commissioner Koelling, Commissioner Miles, Commissioner Bates, Commissioner Brocato, Commissioner Madrigal, Alderman Eversmeyer.

City Staff: Community Development Director Myers, Community Development Clerk Fodge.

Approval of Minutes: Regular meeting on June 28, 2022

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

Public Hearing:

- a. **PZ 2022-9: Lot 130 Third Street, Conditional Use Permit, Gullet Contracting, applicant. A public hearing to consider an application for a Conditional Use Permit (CUP) at Lot 130 South Third Street, Pacific, MO 63069. (Franklin County Parcel # 19-1-12.0-4-003-081.100) The applicant is proposing to construct a 30' x 40' building as a location for a Garage-Storage facility to be constructed. The property is currently zoned "C-1" Downtown Commercial District. Under Section 400.120 of the City of Pacific's Municipal Code, such use would be provided for only with approval of a conditional use permit. Gullet Contracting, applicant.**

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

Staff report: Community Development Director Myers stated this was posted as is required by law. This is very similar; this same property was considered before in an application that was turned down. This was largely due to the noise the business that was going to be run out of it could have. This is a different request. What is proposed now is the same building, same site, same characteristics as far as the 25' apron coming out of the building to the street. This is a private garage and storage facility. This would not have the same characteristics as a business. This is located downtown, C1 District. The report is included in the packet, which was read from. There are limited uses due to the size as what this can be used for. Chairman Bruns stated she received an email from the neighbor with the same concerns as last time. Community Development Director Myers stated he had not received any comments. Chairman Bruns stated the concern was noise and possible water problems. The recommendation from staff is for approval with the recommendation that any and all outside storage would be prohibited. The applicant is present tonight. Commissioner Koelling stated he would be abstaining from this vote as he owns property on this same block, one lot over, as he believes it's not in his best interest to vote. Chairman Bruns stated this is an accessory building, she didn't think we allowed accessory buildings on lots without a principal building. Director Myers stated he discussed this with Mr. Roth and our building inspector, Mr. Brune and we were all in agreement that this is a private use, on a lot of record, which qualifies it to be built on this lot, even though that accessory rule exists since this is a lot of record it allows this use.

Ray Gullet, applicant, stated this is a 30 x 40 building to keep his things in. These items would be two boats and a few other items. He reviewed the uses of this today, as it could be a club or a convenience store, so he was confused. He has owned this lot for 10 years and this is a good lot but not feasible for a house. He doesn't understand why he is being drilled on building a nice building that is enclosed and nothing outside of it. Chairman Bruns stated some people have seen the building over there now, and the hole in the side of the building, and how it was taken care. She thought there was doubts on how it was taken care. He has done a lot of things in this town, and this lot has been neglected. Everything else he has done has turned out nice, he's cleaned up and done nice developments. He has a company that cuts his grass. There is only 10' on either side of it. The building will take up the majority of the lot. She was concerned about a water issue. Mr. Gullet didn't think there would be. Commissioner Flannery stated water is always going to have impact. Mr. Gullet stated it not have a swale to their yard, and there is not going to be enough water there. Mr. Gullet stated he used to own this house to the south, and that house has had water in the basement before. Every house in the floodplain has had water in the basement at one time or the other. Mr. Gullet stated there will be electric to it and he will condition the space. Commissioner Flannery stated he was not against this, but he did question the use of the property as we look to the future. This seems to be functionally obsolete quicker and nothing has really changed except what is being stored there and not running a business out of there. Community Development Director Myers stated if someone acquired the property in the future, the same process would need to be followed. Commissioner Bates stated he thought the previous plan would serve the city's needs better, he thought the Board of Aldermen failed them when they rejected it. Discussion continued. Every time you look at a project, you have to look at it on a standalone merit. Commissioner Madrigal thought this was a waste of time and the last one should have been approved. Mr. Gullet stated he did not attend the meeting because he didn't think there was an issue with it, and did not think it would be rejected. There being no further comments, the public hearing was closed.

New Business:

- a. PZ2022-9 Consideration for Lot 130 Third Street, Conditional Use Permit, Gullet Contracting, Applicant.

Motion made by Commissioner Madrigal, seconded by Commissioner Flannery to approve PZ 2022-9 with stipulations per the staff plan, requirement of no outside storage. A roll call vote was taken with the following results: Ayes: Commissioner Miles, Commissioner Bates, Chairman Bruns, Commissioner Brocato, Commissioner Madrigal, Alderman Eversmeyer, Commissioner Graham, Commissioner Flannery. Abstain: Commissioner Koelling. Nays: none. Whereupon, Chairman Bruns declared the motion carried.

- b. PZ2022-8 RBT Renovations LLC request for waiver of sidewalk requirement, 504-506 S. Third Street, Pacific, MO 63069.

Community Development Director Myers asked if the board wanted to make a section for this. Chairman Bruns stated this is in the floodplain. Commissioner Brocato asked if this area should be mapped out and this area not require sidewalks.

Motion made by Commissioner Brocato, seconded by Alderman Flannery to approve PZ 2022-8.

Chairman Bruns asked for discussion. Chairman Brocato asked if there were other areas in the city that this pertains to as well. Community Development Director Myers stated there could be. One that

comes to mind is at Indian Trail, where Mr. Gullet is developing now. In the past it was the common thinking that the city has to progress in sidewalk construction, so they wouldn't turn this down even though the sidewalk went to nowhere. This is one instance where they made the former owner and now it has sold and the sidewalks are a requirement. Commissioner Brocato questioned if a zone could be set up and these areas this should apply. **A roll call vote was taken on PZ2022-8 with the following results: Ayes: Commissioner Bates, Chairman Bruns, Commissioner Brocato, Commissioner Madrigal, Alderman Eversmeyer, Commissioner Graham, Commissioner Koelling, Commissioner Miles. Nays: none. Whereupon, Chairman Bruns declared the motion carried.**

Commissioner Flannery stated he lives over by where all of this is. **Motion made by Commissioner Flannery, seconded by Commissioner Miles to recommend to the Board of Aldermen that they would have the Community Development Director look into an overlay in the flood district, south of the Burlington Northern railroad line. A voice vote was taken with an affirmative result. Chairman Bruns declared the motion carried.**

Old Business – none

Committee Reports

- a. **Board of Aldermen** – Alderman Eversmeyer stated the Alt property is still being managed and the Board has not made a decision yet.
- b. **Board of Adjustment** - none
- c. **City Administrator** – Community Development Director Myers stated he is at a conference with the MML.

Adjournment

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

Meeting adjourned at 7:45 p.m.