

AGENDA

The City of Rolla
Planning & Zoning Commission
Rolla City Council Chambers, 901 North Elm Street
Tuesday, July 12, 2022 at 5:30 PM

Commission Members:

Chairperson Don Brown, Vice-Chairperson Russell Schmidt, Secretary-Treasurer Robert Anderson, Lister Florence, Jr., Kevin Crider, Janece Martin, Monte Shields, Monty Jordan, Vacant

- I. **APPROVE MINUTES:** Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, June 14, 2022.

- II. **REPORT ON RECENT CITY COUNCIL ACTIONS:**
 - 1. **SUB22-05, Wolfe’s Corner:** Minor Subdivision to combine two residential lots into one lot in the R-1, Single-family Residential district at 1220 Devonshire Ln.
 - 2. **SUB22-06, University Fraternity Subdivision No. 3:** Minor Subdivision to combine six university-owned lots into one lot and vacate certain easements; located in the GI, Government and Institutional district on Fraternity Drive.
 - 3. **ZON22-02, Car Mart:** Rezoning (map amendment) from the C-1, Neighborhood Commercial district to the C-2, General Retail district at 1306 Hwy 72 East.
 - 4. **VAC22-01, Curators of the University of Missouri:** Vacation of the remainder of Spring Street, north of 13th Street; a portion of 13th Street, between Spring Street and Bishop Avenue; and the remainder of an alley between Spring Street and Bishop Ave and 13th Street and University Dr.
 - 5. **VAC22-02, Curators of the University of Missouri:** Vacation of State Street north of 11th Street.
 - 6. **ZON22-01, Collective Solutions:** A rezoning (map amendment) from the C-3, Highway Commercial district to the M-1, Light Manufacturing district at 1898 Old Saint James Rd.

- III. **OLD BUSINESS:** NONE

- IV. **NEW BUSINESS:** NONE

- V. **PUBLIC HEARING:**
 - 1. **ZON22-03, 1702/1704 E 10th Street:** A rezoning (map amendment) from the R-3, Multi-family district to the C-O, Commercial Office district.

- VI. **OTHER BUSINESS/REPORTS FROM THE CHAIRPERSON, COMMITTEE, OR STAFF:** NONE

- VII. **CITIZEN COMMENTS:**

NEXT MEETING DATE: **Tuesday, August 9, 2022 (To Be Cancelled)**
Tuesday, September 13, 2022

MINUTES
ROLLA PLANNING AND ZONING COMMISSION MEETING
ROLLA CITY HALL COUNCIL CHAMBERS
TUESDAY, JUNE 14, 2022

Presiding: Don Brown, Chairperson

Commission Members Present: Robert Anderson, Kevin Crider, Monty Jordan, Janece Martin, Russell Schmidt, Monte Shields

Commission Members Absent: Lister Florence Jr.

- I. APPROVE MINUTES:** Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, May 10, 2022. Chairperson Don Brown approved the minutes as printed and distributed.
- II. REPORT ON RECENT CITY COUNCIL ACTIONS:** NONE
- III. OLD BUSINESS:** NONE
- IV. NEW BUSINESS:**

- 1. SUB22-05, Wolfe’s Corner:** Minor Subdivision to combine two residential lots into one lot in the R-1, Single-family Residential district at 1220 Devonshire Ln.

Tom Coots presents the staff report.

A motion was made by Janece Martin, seconded by Monte Shields, to recommend approval to the City Council to combine two residential lots into one lot in the R-1, Single-family Residential district. A roll call vote on the motion showed the following: Ayes: Anderson, Crider, Jordan, Martin, Schmidt, and Shields. Nays: None. The motion passes unanimously.

- 2. SUB22-06, University Fraternity Subdivision No. 3:** Minor Subdivision to combine six university-owned lots into one lot and vacate certain easements; located in the GI, Government and Institutional district on Fraternity Drive.

Coots presents the staff report.

A motion was made by Russell Schmidt, seconded by Monty Jordan, to recommend approval to the City Council to combine six university-owned lots into one lot and vacate certain easements; located in the GI, Government and Institutional district. A roll call vote on the motion showed the following: Ayes: Anderson, Crider, Jordan, Martin, Schmidt, and Shields. Nays: None. The motion passes unanimously.

V. PUBLIC HEARING:

1. **ZON22-02, Car Mart:** Rezoning (map amendment) from the C-1, Neighborhood Commercial district to the C-2, General Retail district at 1306 Hwy 72 East.

Coots presents the staff report.

Russell Schmidt asks if the existing buffer can be kept for the adjacent R-1 and R-3 districts. **Coots** states that he suggested that the applicant keep and add on to the existing buffer. **Don Brown** asks if a fence is required. **Coots** no.

Brown opens the public hearing. Seeing no questions from the audience he closes the public hearing.

A motion was made by Monte Shields, seconded by Kevin Crider, to recommend approval to the City Council to rezone the subject property from the C-1, Neighborhood Commercial district to the C-2, General Retail district. A roll call vote on the motion showed the following: Ayes: Anderson, Crider, Jordan, Martin, Schmidt, and Shields. Nays: None. The motion passes unanimously.

2. **VAC22-01, Curators of the University of Missouri:** Vacation of the remainder of Spring Street, north of 13th Street; a portion of 13th Street, between Spring Street and Bishop Avenue; and the remainder of an alley between Spring Street and Bishop Ave and 13th Street and University Dr.

Coots presents the staff report.

Robert Anderson asks how the apartments at 708 East 13th Street will get access. **Coots** states the university recently purchased the property and the access will be through the parking lot.

Brown asks if these additions will change the plat that was recently approved. **Coots** no.

Brown opens the public hearing. Seeing no questions from the audience he closes the public hearing.

A motion was made by Monty Jordan, seconded by Janece Martin, to recommend approval to the City Council to vacate the remainder of Spring Street, north of 13th Street; a portion of 13th Street, between Spring Street and Bishop Avenue; and the remainder of an alley between Spring Street and Bishop Avenue and 13th Street and University Drive. A roll call vote on the motion showed the following: Ayes: Anderson, Crider, Jordan, Martin, Schmidt, and Shields. Nays: None. The motion passes unanimously.

3. VAC22-02, Curators of the University of Missouri: Vacation of State Street north of 11th Street.

Coots presents the staff report.

Jordan asks if the fire department was okay with the vacation. **Coots** yes, the fire department and university are working together to assure access is provided.

Schmidt asks how to keep vehicles off the sidewalk that would be built. **Coots** states locking bollards will be in place.

Jordan asks if the fire department was fine with backing out of the vacated street since it was the only access point. **Coots** states he was unsure how far fire needed access, but generally 150 feet is OK.

Brown asks if it is possible to have access from the other direction. **Coots** states he is unsure since he has not seen a final plan.

Brown asks if once the road is vacated it becomes the university's responsibility and not the City's. **Coots** confirms this.

Brown opens the public hearing. Seeing no questions from the audience he closes the public hearing.

A motion was made by Russell Schmidt, seconded by Monte Shields, to recommend approval to City Council to vacate State Street north of 11th Street. A roll call vote on the motion showed the following: Ayes: Anderson, Crider, Jordan, Martin, Schmidt, and Shields. Nays: None. The motion passes unanimously.

4. TXT22-01, Homeless Shelters and related uses: Text Amendments to Sections 42.141, Definition; 42.177, R-3 Multi-family district; 42.189, General Retail districts; 42.192, Highway Commercial districts; 42.194, Center-City districts; 42.196, Light Manufacturing districts; 42.223, Reserved; 42.224, Residential Group Homes; 42.225 and 42.226, Reserved.

Coots presents the staff report.

Anderson asks what the Rolla Mission would be defined as in the proposed amendment. **Coots** states it would be an overnight shelter based upon their current services.

Jordan asks if the City's legal staff had examined the text amendment. **Coots** states the City's legal staff determined this amendment was close to the City's limits of authority.

Janece Martin states under sec. 42-141 of the proposed amendment, an emergency shelter, overnight shelter and soup kitchen are all permitted by-right in the C-3 district. However, in sec. 42-192.1, none of those uses are listed. **Coots** states this is because the

C-1 and C-2 districts state those uses, and the C-3 district includes the previous uses. **Martin** states the C-1 district section is not included. **Coots** confirms that there seems to be an error.

Martin asks if an overnight shelter could be denied in one district and then reapply under a different district. **Coots** states that anyone can ask for a rezoning of a property.

Martin asks if the proposed amendment has been cross-checked with Missouri statues to see if it is applicable. She also asks if a comprehensive committee helped come up with the proposed amendment. **Coots** states there was no committee, but the public hearings are intended to help to gather public input.

Brown opens the public hearing.

Lela Webbemeyer, residing at 14990 County Road 5190, spoke about the impact the proposed amendment will have on the business owners. She states the definitions are too broad and need more parameters. She states the proposed amendment needs more thought, definition, and a narrower scope or potentially be detrimental to Rolla.

Ashley Brooks, residing at 38 Johnson Drive, is the executive director of the Rolla Mission. She states the proposed amendment will only increase the number of homeless and duration they are homeless. This will also limit any organization wishing to help. She suggested both the emergency and overnight shelter definitions be the same, and read: any facility in which the primary purpose is to provide a temporary shelter for the homeless in general; or specific populations of homeless and which does not require occupants to sign leases or occupancy agreements.

She also proposes eliminating the 180 day time limit, and replacing it with text that reads: no individual or family shall reside in an emergency shelter for more than 30 consecutive days without entering into case management to obtain housing. She expresses concern about the vague and discriminatory language in the proposed amendment and wishes it to be removed.

Mr. Jansen residing at 11501 County Road 5180, mentions how city planning can infringe upon private individual liberties. He expresses concern that this ordinance overregulates where homeless shelters can go.

Steven Leevey, residing at 219 Beamer Lane in Cuba, mentions legal issues with the proposed amendment.

Ann Murphy, residing at 1801 Independence, spoke in opposition to the proposed ordinance.

Dale Wands, PO Box 977, Rolla. He expresses concerns about more outsiders coming into the Rolla area. He states the priority should be the Rolla residents, businesses and landlords.

Mary-Sue Sanchez, residing at 15020 Co Rd 8450, is concerned about the influx of homeless and the impact it will have on Rolla.

Matt Farrar, residing at 1502 Forum Drive, implores the Commission to consider the City residents.

Felicia Richards, residing at 563 Basswood Drive, is concerned about the language of the proposed amendment and its impact on the businesses and livelihood of Rolla residents.

Brown, seeing no further questions from the audience or commissioners, closes the public hearing.

Schmidt comments that the proposed ordinance does not take care of the situation.

Mayor Lou Magdits comments he was unsure the community has discussed the issue enough to come to a conclusion.

A motion was made by Russell Schmidt, seconded by Monty Jordan, to recommend the City Council not approve the proposed text amendment in its current form due to inadequacies, inconsistencies, and vagueness. A roll call vote on the motion showed the following: Ayes: Anderson, Crider, Jordan, Martin, Schmidt, and Shields. Nays: None. The motion passes unanimously.

VI. OTHER BUSINESS / REPORTS FROM COMMITTEE OR STAFF: NONE

VII. CITIZEN COMMENTS:

Neno Esparza, a Rolla resident, is concerned that the rights of the homeless will be infringed upon.

Meeting adjourned: 7:34 p.m.

Minutes prepared by: Sarah West

NEXT MEETING:

Tuesday, July 12, 2022



Report to:

**Planning and Zoning
Commission**

Case No.: ZON22-03

Meeting Date: July 12, 2022

Subject: Map Amendment (rezoning): 1702/1704 E 10th Street from the R-3, Multi-family district to the C-O, Commercial Office district.

Background: The property was developed with medical offices, which are a permitted use in the R-3, Multi-family district. The applicant seeks to lease some office space for a real estate company. Non-medical offices are not a permitted use in the R-3 district. The applicant seeks to rezone the property to the C-O, Commercial Office district to allow for all types of office uses.

Application and Notice:

Applicant/Owner - Tonie Cahill of Blarney Stone Investments, LLC
Public Notice - Letters mailed to property owners within 300 feet; Legal ad in the Phelps County Focus; signage posted on the property; <https://www.rollacity.org/agenda.shtml>
City Council Date - July 18, 2022

Property Details:

Current zoning - R-4, Multi-family to C-O, Commercial Office
Current use - Medical Offices
Proposed use - Offices
Land area - About 1 acre

Public Facilities/Improvements:

Streets - The subject property has frontage on 10th Street, a Primary Arterial road.
Sidewalks - Sidewalks are located adjacent to the property.
Utilities - The subject property should have access to all needed public utilities.

Comprehensive Plan: The Comprehensive Plan designates the property as being appropriate for Medium/High Density Residential uses, however, the adjacent commercial lots are designated as Neighborhood Commercial uses.

Discussion: The property is adjacent to a row of commercial properties which are all zoned C-O. The property is also adjacent to a nursing home, which is zoned R-3. No additional development is proposed at this time.

Rezoning Approval Criteria:

A rezoning application must be reviewed to ensure that the following criteria are considered:

1. Consistency with the intent of the adopted Comprehensive Plan;
2. Changed or changing conditions in the neighborhood;
3. Compatibility with the uses permitted in the immediate vicinity;
4. Adequacy or availability of utility service and facilities;
5. Impacts on vehicular and pedestrian traffic safety;
6. Correction of an error in the application of this Article;
7. Viability of economic uses of the subject property if the proposed rezoning is denied; and
8. Relevant information submitted at the public hearing.

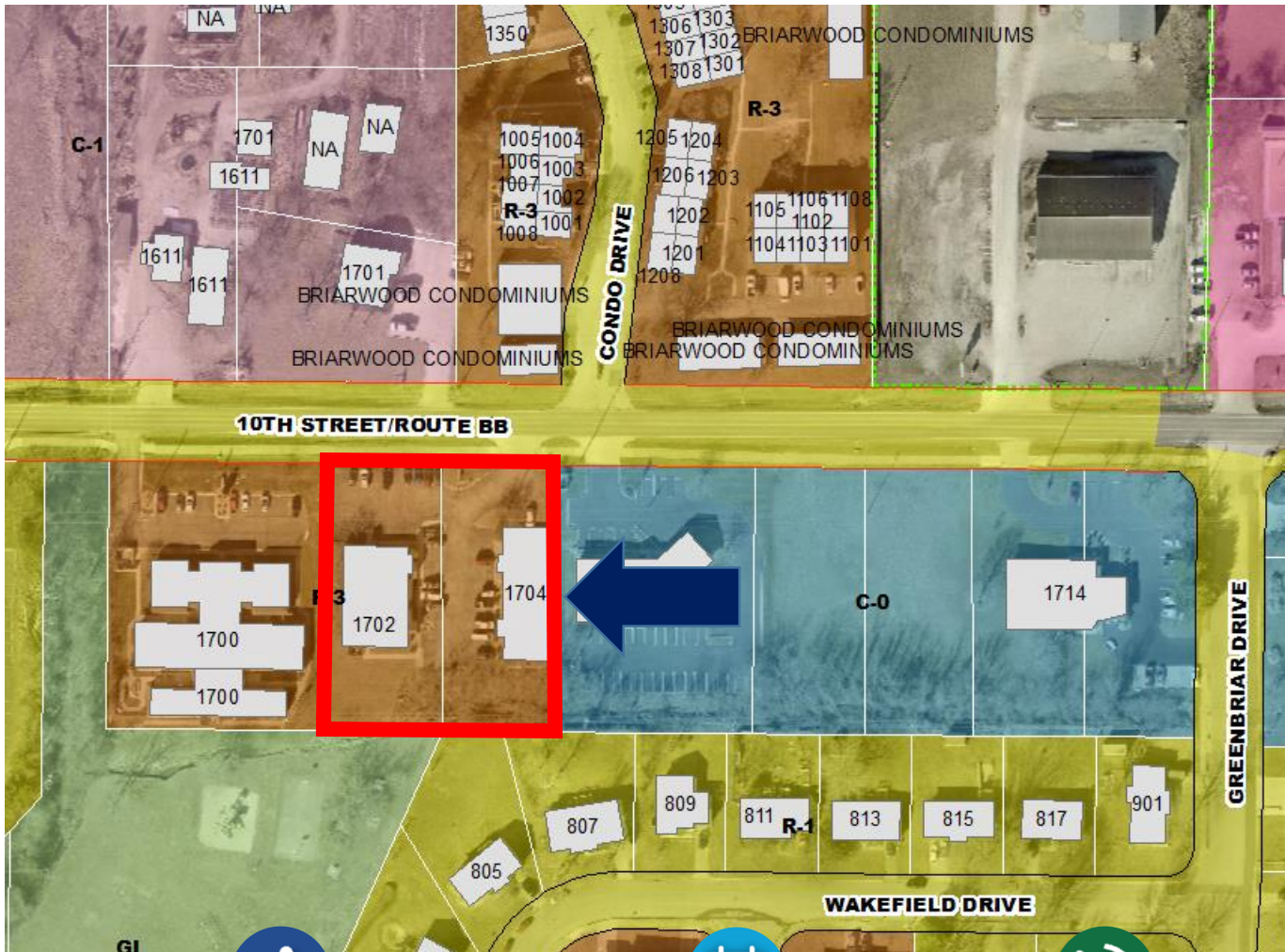
Findings:

1. The Comprehensive Plan does designate the subject property as being appropriate for Medium/High Density Residential uses, however, the adjacent commercial area is identified for Neighborhood Commercial uses.
2. The property is adjacent to property which is zoned C-O, Commercial Office.
3. Much of the East 10th Street frontage in the vicinity is used for commercial uses.
4. The rezoning would allow for all types of office uses.

Alternatives:

1. Find the request meets the criteria for approval and recommend the City Council approve the request for a map amendment (rezoning) of the subject property.
2. Find that the proposed map amendment (rezoning) is not an appropriate use for the property and recommend that the City Council deny the request.
3. Find that additional information and discussion is needed prior to making a recommendation and table the request to a certain date.

Prepared by: Tom Coots, City Planner
Attachments: Public Notice Letter, Application



Project Information:

Case No: ZON22-03
 Location: 1702/1704 E 10th Street
 Applicant: Blarney Stone Investments
 Request:
 Rezoning from R-3 to the C-O, Commercial Office district.



Public Hearings:

Planning and Zoning Commission
July 12, 2022
5:30 PM
 City Hall: 1st Floor

 City Council
July 18, 2022
6:30 PM
 City Hall: 1st Floor



For More Information Contact:

Tom Coots, City Planner
 tcoots@rollacity.org

 (573) 426-6974
 901 North Elm Street
 City Hall: 2nd Floor
 8:00 – 5:00 P.M.
 Monday - Friday



Who and What is the Planning and Zoning Commission?

The Planning and Zoning Commission is an appointed group of citizens from Rolla who are charged with hearing and deciding land use applications, such as zoning and subdivisions. The Commission takes testimony and makes a recommendation to the City Council.

What is a Rezoning (Map Amendment)?

A Rezoning is a request to change the zoning of a property from one zoning district to another. Usually a rezoning would allow for a property to be used differently than in the past, or may allow for development or redevelopment.

What is Zoning?

The City of Rolla has adopted zoning regulations that divide the city into separate areas that allow for specified uses of property. For example, generally only residential uses are allowed in residential zones; commercial uses in commercial zones; etc..

How Will This Impact My Property?

Each case is different. Adjacent properties are more likely to be impacted. Please contact the Community Development Office at (573) 426-6974 if you have any questions.

What If I Have Concerns About the Proposal?

If you have any concerns or comments, please try to attend the meeting. You may learn details about the project at the meeting. You will be given an opportunity to ask questions or make comments.

You do have the right to gather signatures for a petition. If a petition is received by 30% of the land owners (by land area) within 185 feet of the subject property, such request would require approval of 2/3 of the City Councilors. Please contact the Community Development Office for a property owner list.

What If I Cannot Attend the Meeting?

Please try to attend the meeting if you have any questions or concerns. However, if you are unable to attend the meeting, you may provide written comments by letter or email. These comments will be presented to the Board.

What If I Have More Questions?

Please contact the Community Development Office if you have any additional questions.

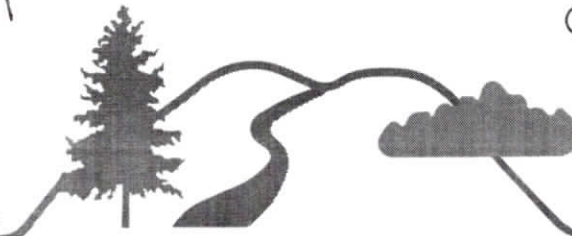
LEGAL DESCRIPTION

Resubdivision of Tract A Eastmeadow subdivision, Tract A-2 and Tract A-3, in Rolla, Phelps County, Missouri.



pt ck # 218334

City of ROLLA



COMMUNITY DEVELOPMENT DEPARTMENT
901 North Elm St
Rolla, MO 65401
P.O. Box 979

573-364-5333 + www.rollacity.org/comdev

LAND USE APPLICATION

Contact Information:

Property Owner:

Blarney Stone Investments, LLC
Name(s)
1420 State Highway 72
Mailing Address
Rolla, MO 65401
City, State, Zip
573-4530216
Phone
toniecahill@cahillsconstruction.com
Email

Agent/Applicant (If Different Than Property Owner):

Name
Mailing Address
City, State, Zip
Phone
Email

Property/Request Information:

Request: Rezoning
 Planned Unit Development
 Conditional Use Permit
 Annexation
 Text Amendment

1704 E 10th and 1702 E 10th
Property Address/Location
Currently zoned proposed R3
(C-O commercial office district)
Property Zoning (Current and Proposed)
Signage and business operations
Proposed Development/Project/Amendment

APPLICATION CHECKLIST:

Applicant Checks Boxes	<input checked="" type="checkbox"/>	Completed Application Form	<input checked="" type="checkbox"/>	City Staff Verifies
	<input type="checkbox"/>	Agent Letter (If Applicable)	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	Filing Fee - \$375 (Rezoning/CUP); \$475 (PUD); \$300 (CUP/PUD Amendment); \$62.50 (Annexation for advertisement)	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	Legal Description (Unplatted and Irregular Lots Only)	<input type="checkbox"/>	
	<input type="checkbox"/>	Site Plan (If Applicable)	<input type="checkbox"/>	
	<input type="checkbox"/>	Letter of Request/Project Report (If Applicable)	<input type="checkbox"/>	

OFFICE USE ONLY:

Case No: *ZON22-03* DRC Meeting Date: *6.21.22* PC Hearing Date: *7.12.22*
Submission Date: *6/8/22* Advertise By: *6.16.22* CC Hearing Date: *7.18.22/8.1.22*

I N F O R M A T I O N :

Rezoning (Map Amendments) are *reviewed* to meet the following criteria:

1. Consistency with the intent of the Rolla Comprehensive Plan.
2. Changed or changing conditions in the neighborhood.
3. Compatibility with other properties in the immediate vicinity.
4. Adequacy of utility service and facilities.
5. Impact on vehicular and pedestrian traffic safety.
6. Correction of an error in the application of the zoning regulations.
7. Viability of economic use of the subject property if rezoning is denied.
8. Relevant information received at the public hearing.

PUD's (Planned Unit Developments) are *reviewed* to meet the following goals:

1. Implementation of the Rolla Comprehensive Plan.
2. Efficient use of land to protect/preserve natural features of the land.
3. Harmonious and coherent site and building design to create a sense of place.
4. Direction of development to existing or proposed transportation and utility facilities.

CUP's (Conditional Use Permits) are *reviewed* to meet the following standards:

1. Compliance with zoning district regulations.
2. Impact to traffic or pedestrian safety and mitigation.
3. Not dominating the immediate neighborhood.
4. Provision of adequate parking facilities.
5. Adequacy of utilities and drainage facilities.
6. Compatibility with surrounding vicinity.

Annexation requests must include a *notarized* petition that includes the following statements:

1. That the all property owners or agents have signed the application.
2. That the property is not part of any incorporated municipality and is contiguous to the city of Rolla limits.
3. That the applicants request to be annexed as authorized by RSMo. Section 71.012.

Text Amendment requests must include a letter/report with includes the following:

1. Reasons for amending the codes and demonstrating that the request serves the general welfare and preserves the community interest.
2. Proposed modifications with proposed language in underline and language to be removed in ~~strikethrough~~.

Acknowledgement and Authorization:

The owner(s) understand and agree that the application will be placed on hold until a complete application and all required items on the checklist are received. The owner(s) understand and agree to permitting employees of the City of Rolla to enter the subject property for purposes of posting a yard sign(s), retrieving the yard sign(s), taking photographs of the property/building(s), and investigating the property for pertinent information related to the request. Should ownership of the property change after the application is submitted, authorization is required from the new owner to continue with the review of the request, or the request will be withdrawn from consideration. The undersigned understands that refunds may be provided if the request is withdrawn prior to the Planning Commission hearing, less any costs already incurred.

Property Owner(s):

Applicant/Agent (If Different From Owner)



Blarney Stone Investments, LLC

Sign

Print

Sign

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Sign

Print

Sign

Print