

**AGENDA**

**The City of Rolla  
Planning & Zoning Commission  
Rolla City Council Chambers, 901 North Elm Street  
Tuesday, November 9, 2021 at 5:30 PM**

**Commission Members: Chairperson Don Brown, Russell Schmidt, Walter Bowe, Robert Anderson, Lister Florence, Jr, Kevin Crider, Janece Martin, Monte Shields, Steven Shields**

**I. APPROVE MINUTES:** Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, October 12, 2021.

**II. REPORT ON RECENT CITY COUNCIL ACTIONS:**

- ZON21-06: 438 W Little Oaks Rd:** Rezoning from the C-2, General Retail district to the RMH, Residential Manufactured Home district.
- ZON21-07: 1879 Longview Ln:** Rezoning from the R-R, Rural Residential district to the R-1, Single-family district.
- ZON21-08: RCDC:** Rezoning from the M-2, Heavy Manufacturing district to the C-3, Highway Commercial district.
- ZON21-09: Ozark Rivers Chapter of National Audubon Society:** Rezoning from the R-1, Single-family district to the GI, Government and Institutional district.
- SUB21-05: Parker Addition:** Minor subdivision to reorganize two platted lots in the R-1, Single-family district.

**III. OLD BUSINESS: NONE**

**IV. PUBLIC HEARING:**

- ZON21-10, 305 S Oak St/304 S Olive St:** Rezoning from the C-1, Neighborhood Commercial district to the C-2, General Retail district.
- ZON21-11, 306 N Walnut St:** Rezoning from the R-1, Single-family district to the R-3, Multi-family district.

**V. NEW BUSINESS: NONE**

**VI. OTHER BUSINESS/REPORTS FROM THE CHAIRPERSON, COMMITTEE, OR STAFF**

1. Presentation of new public notice signage

**VII. CITIZEN COMMENTS**

**NEXT MEETING DATE:**

**Tuesday, December 14, 2021**

MINUTES  
 ROLLA PLANNING AND ZONING COMMISSION MEETING  
 ROLLA CITY HALL COUNCIL CHAMBERS  
 TUESDAY, October 12<sup>th</sup>, 2021

**Presiding:** Don Brown, Chairperson

**Commission Members Present:** Walte Bowe, Lister Florence Jr., Janece Martin, Russell Schmidt

**Commission Members Absent:** Robert Anderson, Monte Shields, Steven Shields, Kevin Crider

**City Officials in Attendance:** Tom Coots, *City Planner*, Sarah West, *Administrative Assistant*, Steve Flowers, *Community Development Director*

- I. **Closed Session Pursuant to RSM0 610.021 (1) for legal actions/legal work product. A motion was made by Russell Schmidt, seconded by Walte Bowe to enter a closed session. A roll call vote on the motion showed the following: Ayes: Bowe, Florence, Martin, and Schmidt. Nays: None. The motion passes unanimously.**

**A motion was made by Russell Schmidt, seconded by Walte Bowe to close the closed session and bring the regular meeting. A roll call vote on the motion showed the following: Ayes: Bowe, Florence, Martin, and Schmidt. Nays: None. The motion passes unanimously.**

- II. **Don Brown** opened the meeting to the public. **Lance Thurman**, City of Rolla attorney, gave a report of the closed session.
- III. **APPROVE MINUTES:** Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, September 14<sup>th</sup>, 2021. **Chairperson Don Brown approved the minutes with a typographical change noted.**
- IV. **REPORT ON RECENT CITY COUNCIL ACTIONS:**
1. **VAC21-01: Alleyway Vacation:** Vacation of a portion of the right-of-way of the alley between Oak Street and Olive Street; and between US 63 and 18<sup>th</sup> Street; adjacent to 1808 and 1810 N Bishop, 1808 N Oak, and 1809 N Olive. **Approved by City Council at October 4, 2021 meeting.**

## V. OLD BUSINESS:

1. **CUP21-02: Collective Solutions, LLC**: Conditional Use Permit (CUP) to allow a Wireless Communications Facility not permitted by Section 42-400 or 42-401.

**Tom Coots** presents the staff report. The public hearing was previously opened and closed at the last session. **Brown**, seeing no questions from commissioners, entertains a motion for a roll call vote.

**A motion was made by Russel Schmidt, seconded by Walte Bowe, to send the request to City Council with recommendation for approval with the recommended conditions. A roll call vote on the motion showed the following: Ayes: Bowe, Florence, Martin, and Schmidt. Nays: None. The motion passes unanimously.**

## VI. PUBLIC HEARING:

1. **ZON21-06: 438 W Little Oaks Rd**: Rezoning from the C-2, General Retail district to the RMH, Residential Manufactured Home district.

**Coots** presents the staff report.

**Schmidt** asks if there was room for more than one mobile home on the eastern 80 feet of the property. **Coots** confirms several mobile homes could be placed there. **Bowe** asks if a condition could be made to only allow for one mobile home to be built. **Coots** states that with this rezoning and site plan, only one mobile home could be placed unless a Mobile Home Park site plan review process was approved by the Commission and City Council, similar to a Conditional Use Permit.

**Martin** asks if the applicant owns the entire property. **Coots** confirms the applicant owns the entire one acre. **Martin** asks for confirmation regarding the zoning for the second alternative recommendation. **Coots** states the recommendation proposes that only the east 80 feet could be zoned RMH, and the remainder could be zoned R-1, Single-family.

**Schmidt** asks if an entryway road would need to be paved. **Coots** confirms any driveway would need to be paved.

**Martin** asks what the zoning would be for the first alternative. **Coots** states the alternative would be to rezone the entire property to the RMH district.

**Brown** opens the public hearing.

**Ray Schweikhardt**, residing at 1342 South Rolla Street, spoke in opposition to the request due to ongoing issues with the existing mobile home park and concern that this request would be an addition to those issues. **Brown** asks where he is located pertaining to the mobile home park, which resides next to the requested property. **Schweikhardt** states he is north of the mobile home park, and his property touches the north-eastern corner of the requested property.

**Regina Zieman**, residing at 440 Little Oaks Road, asks for clarification about the location of the subject property. **Brown** confirms subject property is located farther east on Little Oaks and the proposed mobile home would be east of the existing house.

**Brown**, seeing no more questions from the audience or commissioners, closes the public hearing and entertains a motion for a roll call vote.

**A motion was made by Janece Martin, seconded by Walte Bowe, to recommend approval to the City Council for the eastern 80 feet of the subject property, and recommend the City Council rezone the remaining property to R-1 Single-family district. A roll call vote on the motion showed the following: Ayes: Bowe, Florence, and Martin. Nays: Schmidt. The motion passes.**

2. **ZON21-07: 1879 Longview Ln:** Rezoning from the R-R, Rural Residential district to the R-1, Single-family district.

**Coots** presents the staff report. **Schmidt** asks about access to the back lot. **Coots** states there is an existing access point off Highway 72 that has already been approved by MODOT.

**Brown** opens the public hearing.

**Brown**, seeing no questions from the audience or commissioners, closes the public hearing and entertains a motion for a roll call vote.

**A motion was made by Lister Florence, seconded by Russell Schmidt, to recommend approval to rezone the property to R-1 Single-family district. A roll call vote on the motion showed the following: Ayes: Bowe, Florence, Martin, and Schmidt. Nays: None. The motion passes unanimously.**

3. **ZON21-08: RCDC:** Rezoning from the M-2, Heavy Manufacturing district to the C-3, Highway Commercial district.

**Coots** presents the staff report. **Schmidt** asks if Enterprise Drive was useable as an access point. **Coots** confirms Enterprise Drive is a public street and could be extended in existing right-of-way to be another access point to the property.

**Brown** opens the public hearing.

**Brown**, seeing no questions from the audience or commissioners, closes the public hearing and entertains a motion for a roll call vote.

**A motion was made by Russell Schmidt, seconded by Janece Martin, to recommend approval to the City Council to rezone the subject property from M-2 to C-3. A roll call vote on the motion showed the following: Ayes: Bowe, Florence, Martin, and Schmidt. Nays: None. The motion passes unanimously.**

**4. ZON21-09: Ozark Rivers Chapter of National Audubon Society:** Rezoning from the R-1, Single-family district to the GI, Government and Institutional district.

**Coots** presents the staff report.

**Brown** opens the public hearing.

**Nancy Jeffers**, residing at 801 C Aldi Drive, is the treasurer for the Audubon Society. She came forward to see if the commissioners had any questions regarding their application.

**Brown**, seeing no more questions from the audience or commissioners, closes the public hearing and entertains a motion for a roll call vote.

*A motion was made by Walte Bowe, seconded by Janece Martin, to recommend approval to the City Council to rezone the subject property from R-1, Single-family district to the GI, Government and Institutional district. A roll call vote on the motion showed the following: Ayes: Bowe, Florence, Martin, and Schmidt. Nays: None. The motion passes unanimously.*

**VII: NEW BUSINESS:**

**1. SUB21-05: Parker Addition:** Minor subdivision to reorganize two platted lots in the R-1, Single-family district.

**Coots** presents the staff report. **Brown** asks if Lot 1 is large enough to accommodate multiple houses. **Coots** states multiple houses could fit on the lot if further subdivided and access to a public street and utilities is provided.

**Brown**, seeing no questions from commissioners, entertains a motion for a roll call vote.

*A motion was made by Martin, seconded by Schmidt, to recommend approval to the City Council for the minor subdivision, Parker Addition plat. A roll call vote on the motion showed the following: Ayes: Bowe, Florence, Martin, and Schmidt. Nays: None. The motion passes unanimously.*

**VIII. OTHER BUSINESS / REPORTS FROM COMMITTEE OR STAFF: NONE**

**IX. CITIZEN COMMENTS: NONE**

Meeting adjourned: 6:42 p.m.  
Minutes prepared by: Sarah West

**NEXT MEETING: Tuesday, November 9, 2021**



Report to:

**Planning and Zoning  
Commission**

Case No.: ZON21-10

**Meeting Date:** November 9, 2021

**Subject:** Map Amendment (rezoning): 305 S Oak Street and 304 S Olive Street from the C-1, Neighborhood Commercial district to the C-2, General Retail district.

**Background:** The applicant has acquired three platted lots and demolished one house. Another house remains on the property. The applicant intends to develop the properties for commercial use. The applicant owns a local ice cream shop, South Central Creamery.

The C-2 district would allow for drive-through window service for the planned restaurant.

**Application and Notice:**

Applicant/Owner - Jeff Davis of 24/7 Homes, 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 - November 15, 2021

**Property Details:**

Current zoning - C-1, Neighborhood Commercial district to the C-2, General Retail district

Current use - Residential

Proposed use - Commercial

Land area - 21,400 sq. ft.

**Public Facilities/Improvements:**

Streets - The subject property has frontage on Hwy 72, a Major Arterial road; Olive Street, a collector street; and frontage on Oak Street, a local street.

Sidewalks - Sidewalks are located adjacent to the property on all sides. Some connection to the sidewalk on Hwy 72 may be required when the property is developed.

Utilities - The subject property should have access to all needed public utilities.

**Comprehensive Plan:** The Comprehensive Plan designates the property as being appropriate for Neighborhood Commercial uses.

**Discussion:** The remainder of the block and most adjacent properties are zoned commercially. The adjacent blocks to the east, west, and south are all zoned C-2, as is requested for the subject property. The properties on the north side of Hwy 72 were zoned commercially many years ago, yet mostly still remains mostly residential.

**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:**

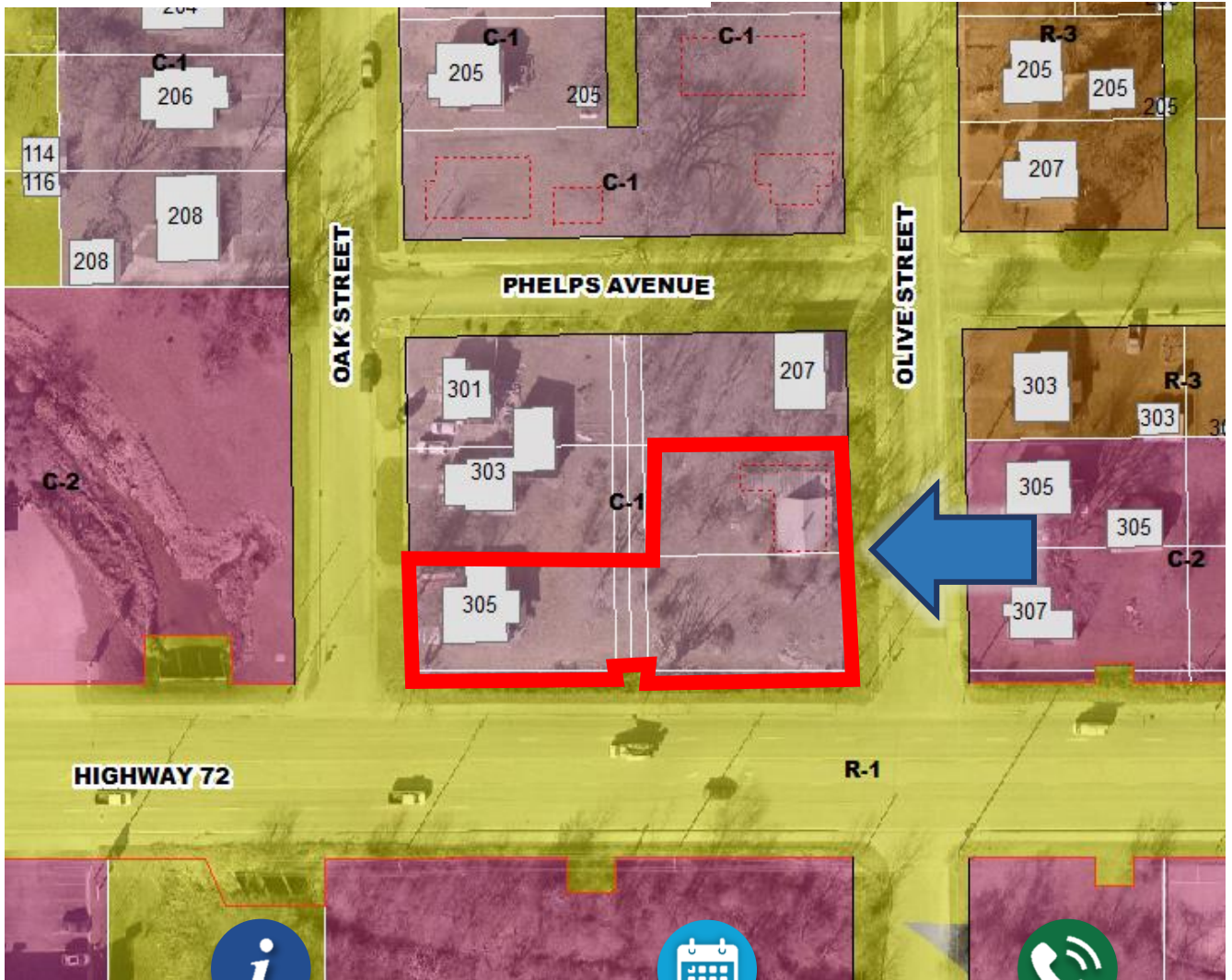
1. The Comprehensive Plan does designate the subject property as being appropriate for Neighborhood Commercial uses.
2. The entire block is currently zoned C-1, Neighborhood Commercial; adjacent blocks are zoned C-2, General Retail.
3. The adjacent properties, north of Hwy 72 are mostly still residential 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, Letter of Request



**Project Information:**

Case No: ZON21-10  
 Location: 305 S Oak St and 304 S Olive St  
 Applicant: Jeff Davis of 24/7 Homes, LLC  
 Request:  
 Rezoning from the C-1, Neighborhood Commercial district to the C-2, General Retail district



**Public Hearings:**

Planning and Zoning Commission  
**November 9, 2021**  
**5:30 PM**  
 City Hall: 1<sup>st</sup> Floor  
  
 City Council  
**November 15, 2021**  
**6:30 PM**  
 City Hall: 1<sup>st</sup> Floor



**For More Information Contact:**

Tom Coots, City Planner  
 tcoots@rollacity.org  
  
 (573) 426-6974  
 901 North Elm Street  
 City Hall: 2<sup>nd</sup> 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**

All of Lots 4, 5, 6, 7, and 8 in Block 9 in Newman’s Addition to the City of Rolla, Phelps County, Missouri, together with the areas from a vacated alley recorded at document number 1994, page 5910; less and except those parts conveyed to the State of Missouri for highway purposes via Warranty Deed recorded at Book 101, Page 119, and a Warranty Deed recorded by document number 9405614, and a Warranty Deed recorded by document number 9401836.





## LAND USE APPLICATION

**Contact Information:**

**Property Owners:**  
Jeff Davis  
 Name(s)  
12049 Country Oaks Estates Dr.  
 Mailing Address  
Rolla Mo 65401  
 City, State, Zip  
573-308-0669  
 Phone  
247homes@gmail.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

3055 Oak St + 304 S Olive  
 Property Address/Location

C-1  
 Property Zoning (Current and Proposed)

C-2  
 Proposed Development/Project/Amendment

### APPLICATION CHECKLIST:

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

City Staff Verifies

OFFICE USE ONLY:

Case No: <u>20W 21-10</u>	DRC Meeting Date: <u>10.19.21</u>	PC Hearing Date: <u>11.9.21</u>
Submission Date: <u>10.7.21</u>	Advertise By: <u>10.21.21</u>	CC Hearing Date: <u>11.15.21/12.6.21</u>

## INFORMATION:

**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.

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**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.

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**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.

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**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.

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**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~~.

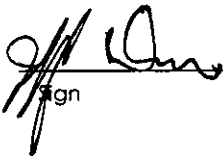
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### **Acknowledgement and Authorization:**

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)

 \_\_\_\_\_  
Sign Print

\_\_\_\_\_  
Sign Print

\_\_\_\_\_  
Sign Print

\_\_\_\_\_  
Sign Print



24/7 Homes, LLC  
Jeff Davis  
12049 Country Oaks Estates Dr.  
Rolla, MO 65401  
573-308-0669

Date: 10/7/2021

To whom it may concern,

I, Jeff Davis, of 24/7 Homes, LLC owner of properties located at 305 S. Oak St. and 304 S. Olive St. am requesting a zoning change on both properties. Zoning is currently C1 with a request for a C2 classification. Current plans are to construct one building across both properties. One end of building is the future home of South Central Creamery in which I own also own. My hopes for this growing business is to provide a drive thru service lane on the end of the building. The block directly to the east and to the west are currently zoned C2. The block in question is zoned C1. I am looking forward to making South Central Creamery a travel destination for those coming through the Rolla area that is more attractive and more easily accessible from the highway. I would appreciate your consideration on a zone change for this location.

Thank you,

Jeff Davis



Report to:

**Planning and Zoning  
Commission**

Case No.: ZON21-11

**Meeting Date:** November 9, 2021

**Subject:** Map Amendment (rezoning): 306 N Walnut Street from the R-1, Single-family district to the R-3, Multi-family district.

**Background:** The applicant is under contract to purchase the subject property. The applicant intends to renovate the existing building for a multi-family use. The applicant intends to create up to 8 dwelling units within the existing building and add the appropriate parking.

The existing building is currently considered to be a single-family house by the Community Development Department. The building is taxed as a single-family house, has one address, has one electric and water meter to serve the building, and generally appears to be a single-family house. However, the building does have 6 apartment units, accessed from two main doors, and 6 separate mailboxes. The property owner asserts that the building has been used as a multi-family building for many years, although is not able to yet provide evidence that the building has been legally used for multi-family since the zoning codes were adopted in 1942. If evidence of legal non-conformance can be provided, the building may continue to be used for 6 units.

**Application and Notice:**

Applicant - Andrew McClusky  
Owner - Linda Brattley Pietsch, et al  
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 - November 15, 2021

**Property Details:**

Current zoning - R-1, Single-family district to the R-3, Multi-family district  
Current use - Residential  
Proposed use - Multi-family  
Land area - 17,900 sq. ft.

**Public Facilities/Improvements:**

Streets - The subject property has frontage on Walnut Street, a local street.  
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 Low-Density Residential uses.

**Discussion:** The property is located across the street from a large area which is zoned R-3, however, mostly still single-family homes. The property is also adjacent to property which is zoned R-2, Two-family. The R-2 district may also be an option if R-3 is not approved. If R-2 zoning is approved, the applicant would have the option to convert the building into a duplex.

**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:**

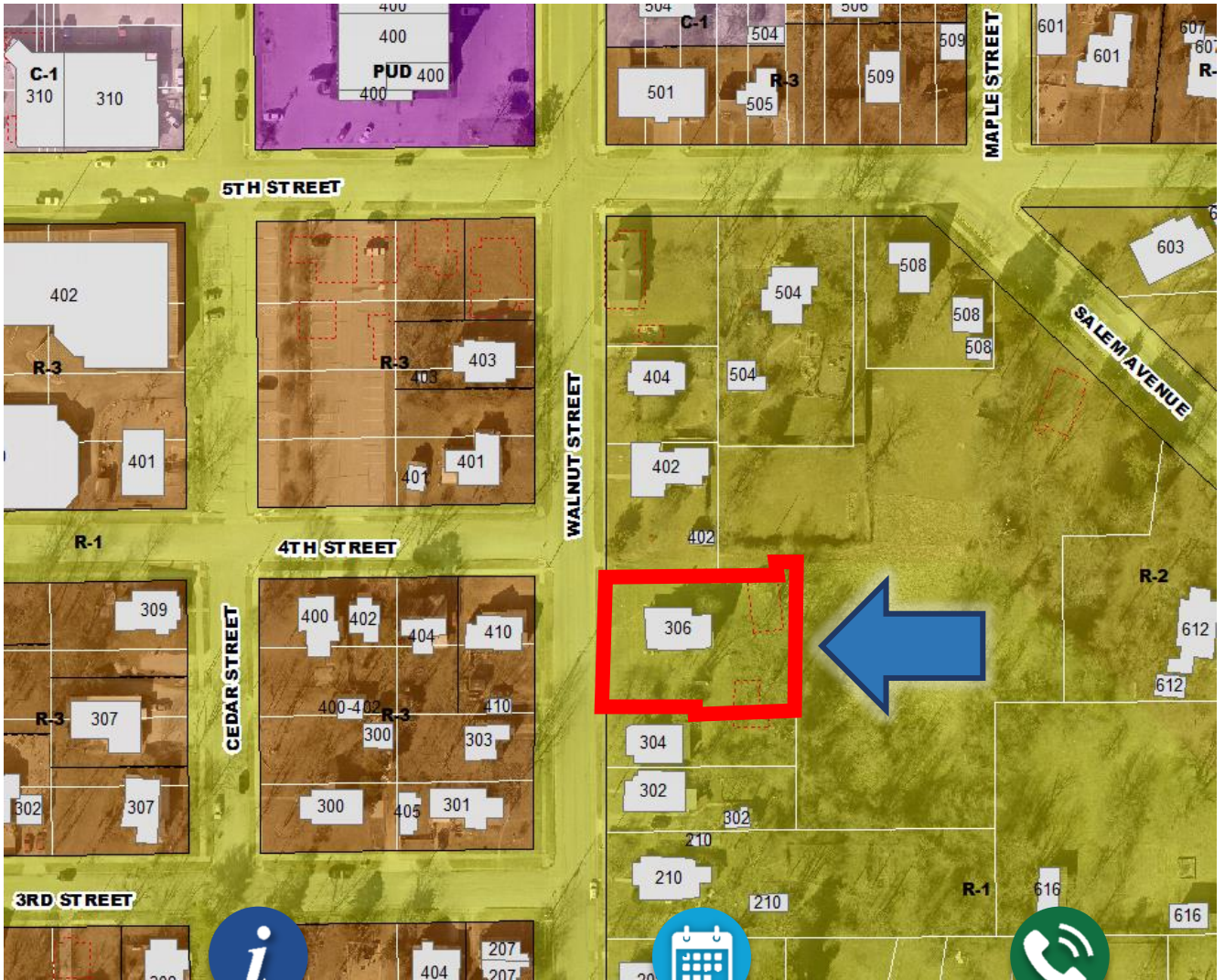
1. The Comprehensive Plan does designate the subject property as being appropriate for Low-Density Residential uses.
2. The property is adjacent to a large area which is zoned R-3; and adjacent to property zoned R-2.
3. The existing building is considered to be a single-family house until evidence of legal non-conformance is provided.

**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 a rezoning to the R-2, Two-family district meets the criteria for approval and recommend the City Council approve R-2 zoning, rather than the requested R-3 zoning.
3. Find that the proposed map amendment (rezoning) is not an appropriate use for the property and recommend that the City Council deny the request.
4. 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, Letter of Request





### Project Information:

Case No: ZON21-11  
 Location: 306 N Walnut St  
 Applicant: Andrew McCluskey  
 Request:  
 Rezoning from the R-1, Single-family district to the R-3, Multi-family district

### Public Hearings:

Planning and Zoning Commission  
**November 9, 2021**  
**5:30 PM**  
 City Hall: 1<sup>st</sup> Floor  
  
 City Council  
**November 15, 2021**  
**6:30 PM**  
 City Hall: 1<sup>st</sup> Floor

### For More Information Contact:

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 (573) 426-6974  
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**What If I Have More Questions?**

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**LEGAL DESCRIPTION**

A fractional part of the West Half (W1/2) of RAILROAD Lot Forty-Nine (49), City of Rolla, Phelps County, Missouri, and more particularly described as follows:

Commencing at the Southwest corner of RAILROAD Lot 49; thence North 0 degrees 41 minutes 40 seconds West, 196.00 feet along the East right of way of Walnut Street to the Northwest corner of deed recorded in Book 127 at Page 383, and to the true point of beginning of the hereinafter described tract; Thence continuing along the East side of said Walnut Street, North 0 degrees 41 minutes 40 seconds West, 126.91 feet to the Southwest corner of deed recorded in Book 220 at Page 1; thence South 89 degrees 45 minutes East, 145.00 feet; thence North 0 degrees 41 minutes 40 seconds West, 9.0 feet; thence South 89 degrees 49 minutes East, 15.0 feet; thence South 0 degrees 47 minutes 40 seconds East, 137.64 feet to the North line of said Book 127, Page 383; thence along said North line, South 89 degrees 26 minutes 20 seconds West, 10.0 feet, and South 89 degrees 49 minutes West, 75.23 feet, and North 0 degrees 41 minutes 40 seconds West, 3.50 feet, and South 89 degrees 26 minutes 20 seconds West, 75.0 feet to the true point of beginning, as per plat recorded in Plat Cabinet B, Slides 78, 265 & 301, Phelps County Records.





**LAND USE APPLICATION**

<p><b>Contact Information:</b></p> <p><b>Property Owner:</b>  <u>11090 County Road 3160</u>          Name(s)  <u>Rolla, MO 65401</u>          Mailing Address  <u>573 364 8373 (cell)</u>          City, State, Zip  <u>linda.battley@earthlink.net</u>          Phone          Email</p> <p><b>Agent/Applicant (if Different Than Property Owner):</b></p> <p><u>Andrew McCluskey</u>          Name  <u>205 E 3rd Street</u>          Mailing Address  <u>Rolla, MO, 65401</u>          City, State, Zip  <u>573-578-5629</u>          Phone  <u>drew.c.mccluskey@gmail.com</u>          Email</p>	<p><b>Property/Request information:</b></p> <p><b>Request:</b> <input checked="" type="checkbox"/> Rezoning  <input type="checkbox"/> Planned Unit Development  <input type="checkbox"/> Conditional Use Permit  <input type="checkbox"/> Annexation  <input type="checkbox"/> Text Amendment</p> <p><u>306 N Walnut, Rolla, MO</u>          Property Address/Location</p> <p>From R1 to R3          Property Zoning (Current and Proposed)</p> <p>Development from R1 to R3          Proposed Development/Project/Amendment</p>
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**APPLICATION CHECKLIST:**

<b>Applicant Checks Boxes</b>	<input checked="" type="checkbox"/>	Completed Application Form	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	Agent Letter (if Applicable)	<input checked="" type="checkbox"/>
	<input 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 checked="" type="checkbox"/>
	<input type="checkbox"/>	Site Plan (if Applicable)	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	Letter of Request/Project Report (if Applicable)	<input checked="" type="checkbox"/>

**City Staff Verifies**

**OFFICE USE ONLY:**

Case No: 20N21-11      DRC Meeting Date: 10.19.21      PC Hearing Date: 11.9.21  
 Submission Date: 10.14.21      Advertise By: 10.21.21      CC Hearing Date: 11.15.21 / 12.6.21



## **Letter of Request for Rezoning Property from R1 to R3**

306 N Walnut Street, Rolla, MO

Applicants Andrew McCluskey and Micah Cabagbag

In cooperation with the current owner, VLM Apt Linda Battley Pietsch

The request for rezoning is to 1) bring the property at 306 N Walnut into compliance with its current and historical use, and to 2) be approved to renovate the property to meet zoning codes of the area, and 3) raise the appearance and value of the neighborhood located near the Creative Arts district.

The building at 306 N Walnut is currently zoned as R1 but is built as six separate units within the structure, each with its own bedroom, kitchen, bathroom, and mailbox. The building has a historical use of being used as a six-unit multi-family building. Due to its proximity to Missouri University of Science and Technology, the studio units which currently make up this property are a perfect fit for students due to the growing population of college students and the proposed expansion of the university campus. The property has space to allow for two additional units on the top level of the property, which would still fit within the number of units of R3 zoning based on the lot size, requiring no additional footprint added regarding the structure on the lot.

The building in its current state is in need of repair to update its physical appearance and safety for residents. It is currently not in good enough condition to be actively rented without there being concerns for residents' well-being. Renovations ideally will include adding a parking lot behind the building to reduce the on-street parking on Walnut Street, refurbishment of the exterior to restore the original character of the building and remove peeling paint; replacement of all windows - several of which are either broken or covered in plywood; and the removal of all overgrowth, outdated wires, and concrete steps that have crumbled. The appearance of the property will be updated to match nearby renovations and buildings in the Rolla Creative Arts district, encourage future renovations of surrounding homes and improve the general overall appearance of the area.

Interior renovations inside will include painting, updating electrical wiring, new flooring, and full kitchen and bathroom updates. There is empty space to also allow for a common area for residents which could be used for washer and dryer set up as well as a studying/work room.

The building is currently vacant, taking up space within the city without the ability to provide housing in its current state. The desired result of rezoning and renovation should be quality housing for residents and students of Rolla while raising the attractiveness and value of the area.

The current and historical use for the property has been that of a six-unit multifamily property. The typical zoning required for this use is R3, which is the requested zoning change for this property. There are multiple neighboring properties within 400 feet that are operating as multi-family properties beyond the limits of R1 and R2 zoning. In addition to R3-type properties being common use for housing in this area, all of the lots across the street from the property, from 5th street to Highway 72, are already zoned R3.

The desire for rezoning is to bring the property at 306 N Walnut into compliance with its current and historical use, raise the look and value of the neighborhood, and provide a nicer and safer state of living for residents.

I (Andrew) have lived just outside of Rolla my entire life and desire to contribute to the value of the area. I have actively worked to improve the look of the city through my involvement in area renovation projects and by the volunteering of my time in community events. I value the ongoing growth and restoration of the area, and due to the location and visibility of this project, I believe it will inspire others to invest in future renovations in the city of Rolla.

Respectfully submitted,

Andrew McCluskey and Micah Cabagbag