

AGENDA

**The City of Rolla
Planning & Zoning Commission
Rolla City Council Chambers, 901 North Elm Street
Tuesday, August 15, 2023 at 5:30 PM**

Commission Members:

Chairman Russell Schmidt, Vice-Chairman Monty Jordan, Secretary-Treasurer Robert Anderson, Nathan Chirban, Kevin Crider, Janece Martin, Monte Shields, Steve Davis, Vacant

- I. **APPROVE MINUTES:** Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, July 11, 2023

- II. **REPORT ON RECENT CITY COUNCIL ACTIONS:**
 - 1. **SUB23-02:** Final Plat of Ozark Terrace, 3rd Addition, a minor subdivision to subdivide one residential lot into two lots at 514 Keeton Rd
 - 2. **ZON23-05:** Rezoning of a portion of 514 Keeton Rd from the R-1, Single-family district to the R-2, Two-family district
 - 3. **TXT23-01:** Amendment to Chapter 42, Sections 42.141 Definitions and 42.233.01-42.233.03, pertaining to zoning regulations of Marijuana businesses

- III. **NEW BUSINESS:** **NONE**

- IV. **PUBLIC HEARING:**
 - 1. **ZON23-06:** Rezoning from the C-1, Neighborhood Commercial district to the C-3, Highway Commercial district at 708 N Main Street

- V. **OLD BUSINESS:** **NONE**

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

- VII. **CITIZEN COMMENTS:**

NEXT MEETING DATE:

Tuesday, September 12, 2023

MINUTES
ROLLA PLANNING AND ZONING COMMISSION MEETING
ROLLA CITY HALL COUNCIL CHAMBERS
TUESDAY, JULY 11, 2023

Presiding: Russell Schmidt, Chairperson

Commission Members Present: Monty Jordan, Janece Martin, Kevin Crider, Nathan Chirban, Robert Anderson

Commission Members Absent: Monte Shields, Steve Davis

I. APPROVE MINUTES: Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, June 13, 2023. **Chairperson Russell Schmidt approved the minutes as printed and distributed.**

II. REPORT ON RECENT CITY COUNCIL ACTIONS:

1. **ZON23-04:** Rezoning of 71 Rose Ct from the R-1, Single-family district to the R-2, Two-family district

III. NEW BUSINESS:

1. **SUB23-02:** Final Plat of Ozark Terrace, 3rd Addition, a minor subdivision to subdivide one residential lot into two lots at 514 Keeton Rd

Coots presents the staff report.

A motion was made by Monty Jordan, seconded by Bob Anderson, to recommend approval to City Council to subdivide one residential lot into two lots at 514 Keeton Road. A roll call vote on the motion showed the following: Ayes: Anderson, Chirban, Crider, Jordan, and Martin. Nays: None. The motion passes unanimously.

IV. PUBLIC HEARING:

1. **ZON23-05:** Rezoning of a portion of 514 Keeton Rd from the R-1, Single-family district to the R-2, Two-family district

Coots presents the staff report.

Schmidt asks if a sidewalk will be required. **Coots** states that a sidewalk might be required, but it has not yet been decided if it is needed at this location.

Jordan asks if all the lots on that street have permitted egress off Lions Club Drive. **Coots** confirms that there is no restriction for access in this area, like in other areas of Lions Club Rd.

Chirban asks if on street parking will be allowed since there is no signage and an existing bike lane. **Coots** says he will have to verify with the Public Works Department to make sure. **Martin** comments that there is currently on street parking further up the road. This causes traffic congestion and creates a hazard because cyclists' views are obstructed.

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

A motion was made by Janece Martin, seconded by Monty Jordan, to recommend approval to City Council to rezone a portion of 514 Keeton Road from the R-1, Single-family district to the R-2, Two-family district. A roll call vote on the motion showed the following: Ayes: Anderson, Chirban, Crider, Jordan, and Martin. Nays: None. The motion passes unanimously.

V. OLD BUSINESS:

1. **TXT23-01:** Amendment to Chapter 42, Sections 42.141 Definitions and 42.233.01-42.233.03, pertaining to zoning regulations of Marijuana businesses

Coots presents the presentation with maps showing the potential separation distances.

Chirban asks for clarification on how the measurement between facilities is measured. **Coots** verifies that the Code is measuring the distance between the closest building corners of each location as a person could legally walk to figure the separation distance.

Crider comments that 1,000 feet separation regulation would not impact any existing businesses. **Coots** confirms this since those facilities are grandfathered in. **Martin** mentions those locations already meet the 1,000 feet requirement.

A motion was made by Monty Jordan, seconded by Nathan Chirban, to recommend approval to City Council to change the City Code to the amended 1,000 feet separation distance between Marijuana facilities and churches, daycares, and playgrounds. A roll call vote on the motion showed the following: Ayes: Anderson, Chirban, Crider, Jordan, and Martin. Nays: None. The motion passes unanimously.

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

VII. CITIZEN COMMENTS: NONE

Meeting adjourned: 5:57 p.m.
Minutes prepared by: Sarah West

NEXT MEETING:

Tuesday, August 15, 2023



Report to:

**Planning and Zoning
Commission**

Case No.: ZON23-06

Meeting Date: August 15, 2023

Subject: Map Amendment (rezoning): from the C-1, Neighborhood Commercial district to the C-3, Highway Commercial district at 708 N Main Street

Background: The applicant seeks to rezone the property in order to allow for the applicant to pursue a request for a Conditional Use Permit for an Overnight Shelter use. The applicant rents space from (or has an arrangement with) the Vineyard Church. The church uses most of the building for church uses. The applicant operates a non-profit organization, known as The Rolla Mission, which provides services such as laundry machines, meals, showers, case management/social assistance, phones, computer access, and storage to anyone in need of assistance, but generally homeless persons.

Most prominently, the organization also allows people to rest indoors during the day and allows people to sleep inside at night, in the winter and temporarily during the Covid-19 Pandemic. The City has not agreed that the overnight sleeping is permitted as a year-round activity.

The applicant has previously sought to move the organization to another property. At the time, the zoning ordinance did not include any provisions for homeless shelters or related uses. Although the other property deal ended up falling through, in 2022, the City Council did adopt amendments to the zoning ordinance to define the uses and clarify in which zoning districts the uses are allowed. Of note, "Overnight Shelters" were defined and permitted in the C-3, Highway Commercial; R-3, Multi-family; and M-1, Light Manufacturing districts with approval of a Conditional Use Permit.

The City Council has been reviewing a major update to the zoning ordinance. At the July 17, 2023 meeting, the City Council voted to change the proposed ordinance to no longer allow "Overnight Shelters" as a Conditional Use in the new C-2, General Commercial district (which would include the current C-2 and C-3 district), leaving the use as a Conditional Use in the R-3 and the new M, Manufacturing districts. The City Council held the first reading of the ordinance for the new zoning code on August 7. The second reading is planned for August 21.

The applicant submitted the application for a rezoning to the C-3 district on June 28, prior to the proposed changes to the zoning code to remove "Overnight Shelters" as a Conditional Use in the C-3 district. The applicant may amend their application to request the property be rezoned to the R-3 district.

Application and Notice:

Applicant - Ashley Brooks of The Rolla Mission
Owner - Jacqui Timer of Vineyard Church
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 - August 21, 2023

Property Details:

Current zoning - C-1, Neighborhood Commercial; requested to be rezoned to C-3, Highway Commercial
Current use - Church/non-profit organization
Proposed use - Overnight Shelter
Land area - About 23,600 Sq. Ft.

Public Facilities/Improvements:

Streets - The subject property has frontage on 7th Street, 8th Street, and Main Street, all local streets.
Sidewalks - Sidewalks are located adjacent to the property on all sides.
Utilities - The subject property should have access to all needed public utilities.

Comprehensive Plan: The Comprehensive Plan designates the property as being appropriate for Semi Public/Church uses due to the existing church. The plan designates the east half of the block as being appropriate for Center City uses; the block to the south as Community Commercial uses; the block to the west as Neighborhood Commercial and Semi-Public/Church; and the block to the north as Semi-Public/Church.

Discussion: Although the applicant for the rezoning is The Rolla Mission, the request should be reviewed purely based on the most proper use of the property. The applicant and the potential for their application for a Conditional Use Permit is not relevant. The applicant has requested review of a rezoning to the C-3, Highway Commercial district. The applicant may also accept rezoning to the R-3, Multi-family district if C-3 zoning is not found to be acceptable.

The property is located in the Rolla downtown, one block north of 6th Street, a major arterial road. While the property is currently used primarily as a church, it is possible that the building could be used for another use in the future. Commercial uses are located on adjacent properties. The building has constructed many years ago with a zero setback on 8th Street. The C-C, Center City district may be the most appropriate zoning district for the property, given the location and design of the building, however, the applicant has not requested C-C zoning.

The property is located just north of a block which is zoned C-3, Highway Commercial. However, the other property does have frontage on a major road, while the subject property does not. The C-3 district is most appropriate for commercial properties along major roads. C-3 zoning may not be an appropriate zoning for the property due to the location.

The exact location is surrounded on the other sides by other churches and governmental buildings, which are mostly zoned C-1, Neighborhood Commercial.

The Comprehensive Plan does not provide much guidance for the appropriate uses for the subject property if the church use were to cease. Since the property is located adjacent to the downtown and not adjacent to a major road, again the C-C, Center City zoning seems most appropriate. However, when other areas adjacent to the downtown are reviewed, another option becomes more apparent. On the north side of the downtown, the Comprehensive Plan indicates that Medium/High Density Residential uses are appropriate. If the subject property is not suitable for commercial uses, the R-3, Multi-family district may be another suitable option, compatible with the adopted Comprehensive Plan. Converting the church building into apartments is not only feasible, but such a use would be compatible and supplementary to the downtown.

Taken together and ranked from most appropriate to least, the C-C, Center City district is the most appropriate zoning for the property. Next, the R-3, Multi-family district is appropriate and still compatible with adopted plans. Next, retaining the C-1 may be considered, however, the setbacks in the C-1 district would not be compatible with the downtown. Downtowns are more urban, but C-1 development is more suburban. Finally, the requested C-3, Highway Commercial district would be the least appropriate option, given the location of the property. C-3 allows uses which are not compatible with the surrounding area.

Some concerns may be raised regarding “Spot Zoning.” Spot Zoning is a term referring to the zoning of one property very differently than surrounding properties. Courts may ultimately decide if a decision is indeed Spot Zoning, however, the risk of a decision being determined to be Spot Zoning may be reduced or eliminated by adhering to the following:

1. Carefully and clearly explain the reasons for the decision.
2. Review the criteria for approval of a rezoning and ensure the request is not in conflict.
3. Review the Comprehensive Plan for consistency. In this case, the Comprehensive Plan does not provide direct guidance. The specific location of the property makes several uses and zoning district potentially appropriate.
4. Consider the size of the property requested to be rezoned. A single lot in the middle of a block must have clear reasons for approval. In this case, the location is ½ of a block, with an alley dividing the block. Rezoning a large portion of a block is unlikely to be considered to be Spot Zoning.

Rezoning the property will not grant any expansion of services. The applicant would still need to seek approval of a Conditional Use Permit.

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:

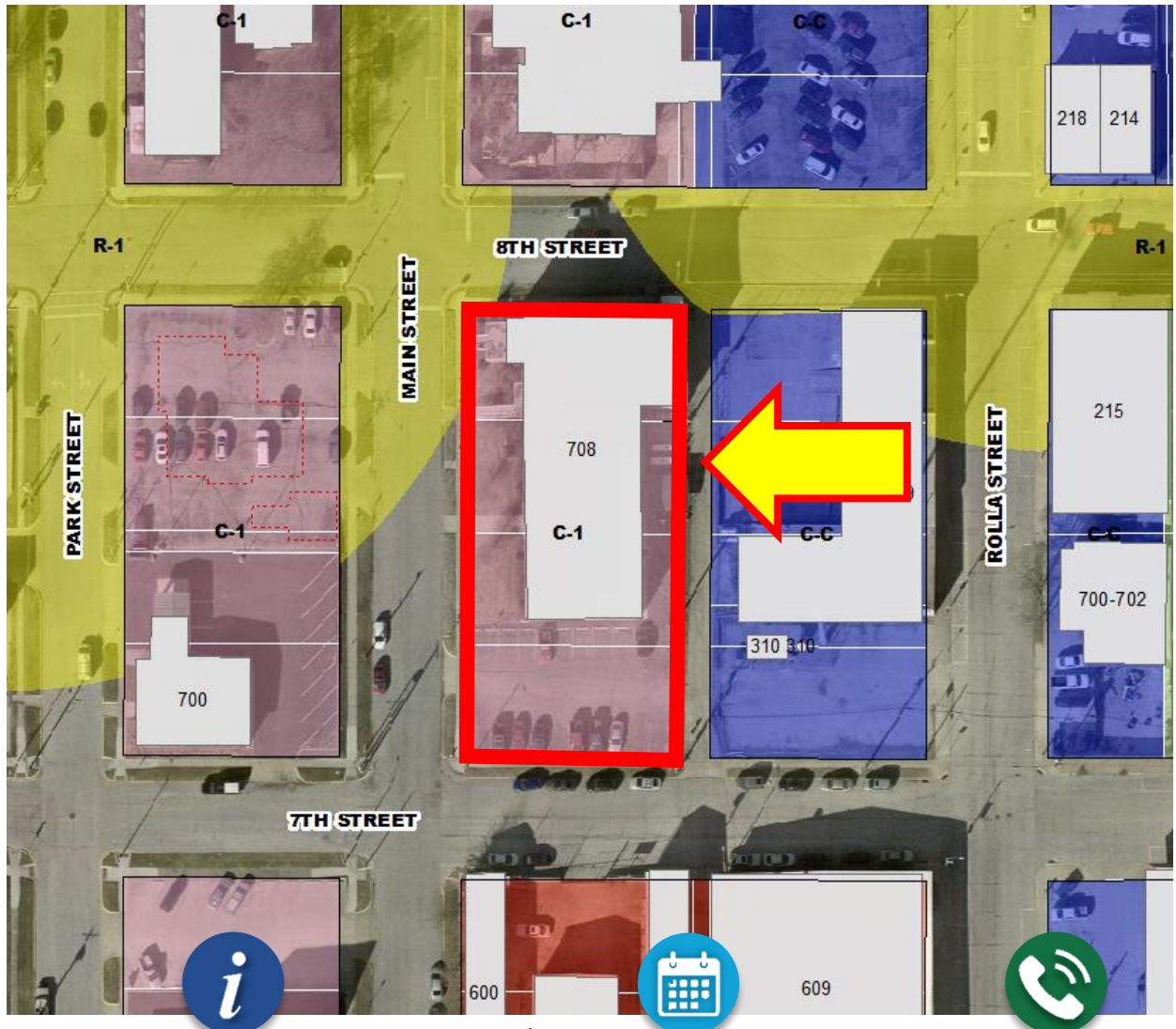
1. The Comprehensive Plan does not provide specific guidance on the appropriate use for the subject property.
2. The subject property is surrounded by properties which are zoned C-C, Center City; C-1, Neighborhood Commercial; and C-3, Highway Commercial.
3. The subject property has frontage on three local streets; no frontage on any major roads.
4. The applicant has requested review of a rezoning to the C-3, Highway Commercial district; the applicant may accept rezoning to the R-3 district in order to pursue additional zoning requests.
5. The R-3, Multi-family district may be an appropriate zoning for the property, considering the location and design of the existing building.
6. Approval of a rezoning does not allow for any expansions of the services currently provided at the property. Approval of a Conditional Use Permit is needed to pursue approval for an Overnight Shelter.

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 to the C-3, Highway Commercial district.
2. 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 to the R-3, Multi-family district.
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



Project Information:

Case No: ZON23-06
 Location: 708 N Main Street
 Applicant: Vineyard Church c/o The Rolla Mission
 Request:
 Rezoning from C-1, Neighborhood Commercial to C-3, Highway Commercial

Public Hearings:

Planning and Zoning Commission
August 15, 2023
5:30 PM
 City Hall: 1st Floor

 City Council
August 21, 2023
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

Block 37, Lots 2, 3, 6, and 7, Bishops Addition to Rolla, Phelps County, Missouri



LAND USE APPLICATION

Contact Information:

Property Owner:
 Vineyard Chuch
 Name(s)
 PO Box 284
 Mailing Address
 Rolla, MO 65402
 City, State, Zip
 spoonbill62@gmail.com
 Phone
 314-808-1384
 Email

Agent/Applicant (If Different Than Property Owner):
 The Rolla Mission
 Name
 PO Box 1213
 Mailing Address
 Rolla, MO 65401
 City, State, Zip
 573-308-5474
 Phone
 ashley@therollamission.org
 Email

Property/Request Information:

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

708 N. Main St., Rolla, MO 65401
 Property Address/Location

C-1 to C-3
 Property Zoning (Current and Proposed)

Assistance Center for Homeless Individuals
 Proposed Development/Project/Amendment

APPLICATION CHECKLIST:

Applicant Checks Boxes	<input checked="" type="checkbox"/>	Completed Application Form	<input type="checkbox"/>
	<input 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"/> 375
	<input type="checkbox"/>	Legal Description (Unplatted and Irregular Lots Only)	<input type="checkbox"/> N/A
	<input type="checkbox"/>	Site Plan (If Applicable)	<input type="checkbox"/> N/A
	<input type="checkbox"/>	Letter of Request/Project Report (If Applicable)	<input type="checkbox"/> N/A

City Staff Verifies

OFFICE USE ONLY:

Case No: 20N 23-06 DRC Meeting Date: 7.18.23 PC Hearing Date: 8.15.23
 Submission Date: 6.28.23 Advertise By: 7.27.23 CC Hearing Date: 8.21.23 / 9.5.23

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)

Jacqui Timer Jacqui Timer
Sign Print

Ashley Brooks Ashley Brooks
Sign Print

Sign Print

Sign Print