

**MINUTES**  
**ROLLA PLANNING AND ZONING COMMISSION MEETING**  
**ROLLA CITY HALL COUNCIL CHAMBERS**  
**TUESDAY, JUNE 11, 2024**

**Presiding:** **Russell Schmidt, Chairperson**

**Commission Members Present:** **Nathan Chirban, Kevin Crider, Steve Davis, Monty Jordan, Janece Martin, Don Morris**

**Commission Members Absent:** **Robert Anderson, Monte Shields**

- I. APPROVE MINUTES:** Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, May 14, 2024. **Chairperson Russell Schmidt approved the minutes as printed and distributed.**
- II. REPORT ON RECENT CITY COUNCIL ACTIONS:** **NONE**
- III. NEW BUSINESS:** **NONE**
- IV. PUBLIC HEARING:**

**1. ZON24-01:** Rezoning 1320 Independence Drive from the C-2, General Commercial district to the R-3, Multi-family district.

**Coots** presents the staff report.

**Schmidt** asks if they initially asked for R-1. **Coots** responds, yes.

**Morris** asks if there is a problem with us zoning it as R-1. **Coots** responds that it would be close to spot zoning.

**Morris** asks how zoning the property as R-3 would eliminate spot zoning? **Coots** replies that there is R-3 zoning already in this area.

**Schmidt** asks if in the future there would be any negative issues to making this property R-1 other than spot zoning? **Coots** responds since the applicant is voluntarily building a single family home I don't see any issues. Some people don't like to live next to commercial property due to noise, pollution and traffic. **Schmidt** states the only negative thing he can see is the resale value of the home would be lower being next to commercial property.

**Davis** asks if there is a difference in the property tax for R-3 or R-1? **Coots** responds, no. Property taxes are based on how the property is used, so a single family home will have the same taxes no matter how the property is zoned.

**Crider** asks if it would likely be beneficial for the future use of the property to go to an R-3 verses an R-1. **Coots** states he thinks the property would be worth more if zoned R-3 rather than if zoned R-1.

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

**Schmidt** entertains a motion for a roll call vote.

**A motion was made by Don Morris, seconded by Nathan Chirban to recommend approval of R-1, Suburban Residential District. A roll call vote on the motion showed the following: Ayes: Chirban, Crider, Davis, Jordan, Martin, and Morris. Nays: None. Absent Anderson and Shields. The motion passes.**

## V. OLD BUSINESS:

1. **TXT24-02:** Text Amendment to Sections 42.203 Zoning Use Definitions; 42.209 to establish Shelters, Soup Kitchens, and Transitional Housing; 42.211 – 42.215 Residential Districts; 42.221 – 42.224 Commercial Districts; removing 42.457 Overnight Shelter, Soup Kitchen, and Transitional Uses; and 42.710 amending Zoning Use Table as needed.

**Coots** presents the staff report.

**Schmidt** states that this is not going according to Hoyle. Under discussion it shows that the proposed amendments to the city codes are recommended by the City Attorney. Staff has worked with the attorney to prepare the necessary revisions. Last month before the meeting I met with you and Dawn in Dawn's office and I asked how much have you and Dawn worked on this. My understanding is you heard about this at the same time as we heard about it and got the revisions, is that correct? And you were not involved in writing this? **Coots** responds that the City Attorney prepared the first draft and then we took that and refined it. We found out about it approximately two weeks before you found out about it.

**Schmidt** states that when I was talking to you and Dawn you were having problems understanding what the text was about and you were not the staff people that helped write it, someone else did. In the last month have you and Dawn been brought up to speed on what this is about? **Coots** responds, I can't answer all of your questions, some of them are legal questions that should be answered by an attorney.

**Schmidt** states you're the people that are going to be managing this right? **Coots** responds, yes.

**Schmidt** states you should be totally brought up to speed on this, right? **Coots** states he does not have an answer for that.

**Dawn Bell** states that we will be managing this once it gets through City Council. At that point we will figure out how it's going to be manage as far as permitting, licensing and how that enforcement piece of it goes. Whatever is found to be in the zoning code is what

we are obligated to enforce. So, whatever the City Council finds and rules on is what we will be enforcing.

**Schmidt** states so there are no rules yet? **Bell** responds no because they haven't been adopted.

**Schmidt** states we don't know how this is going to be managed, we don't know what rules will be put on. **Bell** you can see what's proposed because we have given you the Chapter 20 proposed rules but we can't talk about that until the City Council actually approves it. Once they approve it then we would manage it as approved.

**Louis Magdits** explains that the involvement of the Planning & Zoning Commission has to do with the land use which is Chapter 42, not what's in Chapter 20. So rules as they pertain to licensing is not in your scope of decision. We asked the lawyers to evaluate what our previous lawyer said, our new lawyer chose to go down a different format and split this up into 2 separate areas, licensing and land use. We have asked the lawyer to write this based upon what was done in different cities.

**Schmidt** states that in the lawyers email it says he is attaching an article on the impact of homeless shelters on the surrounding community that he would like to add to the record. Can you point out that article in my packet? **Coots** states that we can get that article to you if you would like it and explains what the article was about. Also, states they did not feel the article was appropriate as it is over 10 years old and from New York City which is much larger than Rolla.

**Schmidt** asks why does the lawyer want to add this to the record? **Coots** states you are asking me what the lawyer is thinking and I can't tell you that.

**Schmidt** states this is not according to Hoyle and expresses his concern over this article and the reasoning behind why the lawyer would want this added to the record. It is concerning to me if this is the kind of model the lawyer is basing this on.

**Schmidt** states that the phrase "by-right" is in here quite a bit, can you give us the definition? **Coots** responds that by-righted and permitted use don't require a special review. Unlike conditional use which requires review by the planning and zoning commission and then the city council can approve or not approve the use.

**Martin** asks if we change the zoning would the Mission which is already established need to apply for a conditional use permit? **Coots** responds that the Mission is already there, this would be for any shelters coming into Rolla in the future.

**Crider** asks is this moving in it's entirety to 20 or are parts of it staying in 42? **Magdits** responds the land use is staying in 42 and the operations/regulation/rules are moving to 20.

After a lengthy discussion **Schmidt** opens the public hearing.

**Joann Stiritz**, PO Box 242, Rolla Missouri. States that having a Homeless Shelter or Soup Kitchen housed in a Commercial or Retail district in Rolla is a terrible idea and does not create a welcoming or safe environment for visitors. She does not understand why the current administration is trying to change this and why they will not consider the Industrial

or Manufacturing Location for these types of facilities. Please carefully consider your recommendation.

**Dale Wands**, residing in Rolla, Missouri. States he doesn't understand why it's in CC. We should do what's right for the City and let the lawyer do his job and defend us. He asks if all the rules and regulations are already in Chapter 20 governing Transitional Housing and Homeless Shelters? **Martin** explains that everything that's in Chapter 42 has been struck and is being proposed to move into Chapter 20. **Wands** asks if everything they are striking in Chapter 42 will be replaced in 20? **Chirban** states that there is a better ability to enforce in Chapter 20 rather than leave in Chapter 42. **Davis** states that this commission does not enforce the ordinances. **Wands** would like to know who will enforce these changes?

**Wayne Langston**, residing at 32964 Maries Rd 411, Belle, Missouri. He and his family own the businesses at 700 & 713 Pine St, Rolla, Missouri. He is concerned that we are once again going to change the zoning for Overnight Shelters. He would like to see the zoning stay so that the shelters are not allowed in the CC District. His vision for downtown Rolla is not a place where multiple counties would send their homeless to live.

**Judy Jepson**, residing in Rolla, Missouri. She was a volunteer police for a number of years and states that law enforcement are not allowed to ask the homeless for finger prints, nor can they do a background check on them. They are protected by the shelter so we have no idea if they are felons, murderers or rapists. **Magdits** explains that they are not protected by the shelter and the police can only do background checks or fingerprints if there is probable cause, the same as any other citizen.

**Schmidt** closes the public hearing.

**A motion was made by Janece Martin, seconded by Don Morris, to recommend to approve that the administrative components of Section 42 be moved to Section 20 and recommend denial of the changes presented in the chart (or text regarding uses) that was provided. A roll call vote on the motion showed the following: Ayes: Chirban, Crider, Davis, Jordan, Martin and Morris. Nays: None. Absent: Anderson and Shields. The motion passes.**

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

NONE

**IX. CITIZEN COMMENTS:**

NONE

**Meeting adjourned: 7:43 p.m.**

**Minutes prepared by: Cindy Brown**

**NEXT MEETING:**

**Tuesday, July 9, 2024**