

CITY OF PACIFIC  
RECORD OF PROCEEDINGS

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**PLANNING AND ZONING COMMISSION MEETING**

**300 Hoven Drive Pacific, MO 63069**

**January, 11th 2022**

**1. The Planning & Zoning Commission Meeting was called to order by Chairman Bruns at 7:00PM on Tuesday January 11<sup>th</sup> 2022.**

**2. Roll Call: The Roll call was taken with the following results:**

**Present:**

Chairman Bruns

Commissioner Madrigal

Commissioner Graham

Alderman Eversmeyer

Commissioner Brocato

Commissioner Koelling

Commissioner Miles

Commissioner Presley

**Absent:**

Commissioner Bates

**Administrator Roth, City Attorney Bob Jones, Community Development Director Myers & Community Development Clerk Fodge were also in attendance.**

**3. Approval of Minutes:**

- a. Planning & Zoning Minutes-December 14<sup>th</sup>, 2021

A Motion was made and approved 8-0 to approve Planning & Zoning Minutes from December 14<sup>th</sup> 2021

**4. PUBLIC HEARING**

- a. **PZ-2022-01 Manors at Brush Creek Final Plat Review, Elite Brush Creek Development LLC, applicant.**

Commissioner Bruns introduced and opened the public hearing. City Administrator Steve Roth informed the board that Comm Dev Director Steve Myers would normally take over and read the report, but this project was started before Director Myers took over his position. Admin Roth

then stated City Attorney Bob Jones has in fact looked at the easement language which he has decided is in compliance with our code. **\*\*Please read the staff report that is attached to these minutes for review\*\***.

Chairman Brunns then requested the side lot information for Lot A. Admin Roth replied he that it is 6ft. Chairman Brunns asked the applicant if they would like to speak or address the board at this time to which the applicant declined. Chairman Brunns asked the applicant if they wanted to address the board, to which they declined. Chairman Brunns then stated the four parking spaces off Old Gray Summit Rd are awfully close to the intersection and seem to be a safety hazard. Had any thought been given to this or if there were any other options. The applicant stated they are aware of this area and are currently discussing their options. Alderman Eversmeyer stated the parking & traffic issues have all been discussed & approved, and while there are those that might think there are issues, this type of parking is being done already on Payne St. Chairman Brunns stated they are close, but are not the same in regards to traffic. Chairman Brunns then asked if any other board members wanted to speak before opening up to the public. Chairman Brunns then informed everyone that she would be entering a letter written by a concerned citizen that wasn't able to attend the meeting due to Covid safety. The letter was then submitted to the clerk for records purposes. Chairman Brunns then opened the meeting up to anyone that wanted to speak.

### **Speaker Cards**

**Gary Koelling 1950 Old Gray Summit Rd, Pacific MO:** Mr. Koelling approached the podium and stated he's lived in this area for 67 years and taught school for 30+ years in Pacific. Mr. Koelling informed the board he will not be voting on this matter VEe. The parking lot is on the side of his property. Mr. Koelling is worried about people sitting in that property, closing doors, hanging out, his dogs barking. Mr. Koelling wants to know why he has to deal with their parking. This parking spot is right next to his front door. Doesn't understand why the parking spot isn't put on the other side of the subdivision by the railroad tracks on the eastside. Feels this parking lot will disrupt his life. Mr. Koelling wants to know how many of you would want this parking lot next to their spot. It shouldn't be his problem to deal with their parking problems. Mr. Koelling also stated that he believes there is a 10ft easement and wants to know if the city will always have access. What happens if people are allowed to put patios, fences and decks. How will we get back there to that easement if there is an issue, which is another consideration that he wants the board to think about. Mr. Koelling has an issue with the common ground right after the bridge going south on Lamar Pkwy. He wants to know what is being done about people jumping that fence and coming into his property. Mr. Koelling wants to know about the fence that was promised to be put in and who is responsible for upkeep. He also stated that he doesn't know when it goes in or how anything is being done to stop people from walking along his property line and jumping over the fence into his pasture. Mr. Koelling thanked the board and requested for them to think about these things before they vote tonight, he also informed the board he would not be voting tonight but would sit back among the board for the remainder of the meeting.

**Josh Grodie Pacific MO:** Mr. Grodie thanked the board for listening to everyone this evening. He had a few questions that have not been answered. He runs cattle on Mr. Koelling property and has some issues and safety concerns. Mr. Grodie stated that there as been some surveyors or

workers that are walking onto the property of Mr. Koelling without warning. Chairman Bruns asked Mr. Grodie has this only been since they started working. Mr. Grodie replied yes only now that they have started working. Mr. Grodie has never had any problems up until now. Mr. Grodie feels they should be called or told before anyone walks into his cattle pasture. Mr. Grodie also wanted to bring to the boards attention that he is finding short metal and wooden stakes that are short and safety hazards to his cattle. He understands they are survey marks, but this needs to be addressed. Mr. Grodie has a concern that the fence isn't up by the time people start building that people will walk in the pasture. He's concerned with the safety of someone coming into the property that shouldn't be there and that they'll blame the farmer first. Mr. Grodie talked to the mayor today and stated that he believes a permit wasn't approved before they started grading. There were trees and grading started before the permit was even approved. Mr. Grodie explained that the planning that was given to Planning & Zoning was different than online. Mr. Grodie asked the board how can they vote on anything if there is a 43-page difference in what is shown to them and the public. He feels that everyone should be treated the same way. Mr. Grodie feels this set precedent that anyone can do what they want before any permits are done and feels that this has been un-ethical. Mr. Grodie stated that he remembers when he was on the board that everyone fought so hard for 20ft easements. He understands things change and land is tight but doesn't want to lose the integrity of the town. With just 6ft there will be a mess, and now there is a precedent going forward. Mr. Grodie thanked the board for their time.

Chairman Bruns then asked Admin Roth about the responsibility of the fence as well as the issue with starting grading without the permit being issued and the easement. Admin Roth stated that the fence is part of the improvement plans and would need to be approved with this improvement plans. The city would not take ownership of the fence so the subdivision has ownership and maintenance over it. The easement is not allowed to be build over as well as any permits issued. If anyone builds over, they are subject to removal. Admin Roth stated that the 43 pages Mr. Grodie stated were the subdivision indentures which we posted on the website and the email we went to the board were noted to go to the website. The city doesn't have authority over the content of the indentures. Admin Roth stated we can see it differently but he doesn't believe that we withheld anything purposely. With respect to the work being done before the permit being done, the developer had requested to place a sales trailer on the site. We reviewed that per code and there is no provision in our code that says you can or can't. The own the ground, they have a right to use their ground. I believe that is the work that was being done. Admin Roth then stated per city code, you can proceed with grading after you've received preliminary plan removal subject to a grading plan which we have. They have applied for a grading permit. Admin Roth then asked Comm Dev Clerk Fodge if it was received yesterday and Clerk Fodge stated that it was received yesterday. Chairman Bruns then requested the developer to give some details. The applicant stated that there hasn't been any land development done that he knows about. But it could be from the sales trailer moving some trees around for placement. Chairman Bruns then asked the applicant to please speak with the workers to give the property owners notice before going on property. The applicant also stated that the fence will be put up before the homes are built. Commissioner Brocato asked if the stakes are still out there. Commissioner Koelling stated that he needs to make sure he's told when someone is in his backyard because he has German Sheppard's that he can put up for them. Mr. Grodie then asked about the HOA taking over and being able to take down the fence. Attorney Bob Jones replied that they could not take the fence down or put up their own fence in that area. Admin Roth stated that we are human and our staff

sometimes make mistakes but we hold everyone accountable and make sure to try and get it right while also following the code. If anyone has a question on how staff is doing anything, then anyone can reach out to him.

**Alicia Price Diekmann 147 Vincent St. Pacific-** Ms. Price wanted to know what prevents someone from erecting a fence for a pool or a hot tub since they are not able to erect their own fence. Attorney Bob Jones stated that they can't erect a fence around the perimeter but can erect a cross fence.

**Scott Lesh Pacific, MO-** Mr. Lesh stated that it's going to be hard for anyone to build side fences with people having to build on that berm. Stated he doesn't know what the answer is but wanted to bring it to the attention of the board. Mr. Lesh wanted to know what the fence was made of. Admin Roth stated that the black aluminum fence along Old Gray Summit Rd is at the option of the lot owners. If they want to erect a fence it has to be aluminum. These fences are not part of the improvement plans. Mr. Lesh then handed out papers to the board and thanked the board for hearing him speak. Mr. Lesh stated that he thinks there is going to be issues with traffic with the turn lane and the parking lot going in. Mr. Lesh stated that he hopes that a traffic study will show the issues that he can foresee. Mr. Lesh stated that he believes this is considered infill development. Which he feels the comprehensive plan states can't be done. Mr. Lesh feels there is a big difference between R1-C zoning that was there and the R1-B Zoning that it's now been rezoned to. Mr. Lesh feels R1-B doesn't allow this many homes to be built and stresses that the board review this information and vote with their consciences. Mr. Lesh then passed out an overlay of the McBride sales map of the lot vs the real lot plan. Mr. Lesh thanked the board and sat down.

Chairman Bruns then asked if anyone else wanted to speak or had anymore questions. Alderman Eversmeyer then made a motion to approve the final plat with the following specification be included in the approval. There must be a final development agreement related to the intersection improvement, a final subdivision indenture in form acceptable to the city and finally a performance guaranteeing an amount in form acceptable to the city. The motion was seconded by Commissioner Brocato. Chairman Bruns then called a roll call vote to be taken with the motion passing 5-2.

Yay's: Commissioner Presley, Commissioner Madrigal, Commissioner Brocato, Alderman Eversmeyer, Commissioner Graham.

Na: Chairman Bruns, Commissioner Miles

Commissioner Koelling abstained from the vote.

- b. Zoning Code review, Section 400.130: C-2 Arterial Commercial District regulations:**  
Chairman Bruns opened the public hearing on the Zoning Code Review. Director Myers requested to table this discussion for a later date. Director Myers hasn't been able to give his full time to the zoning issues. Chairman Bruns agreed to table till a later disclosed date.

## **5. New Business: None**

6. **OLD BUSINESS:** None

7. **Committee Reports**

a. **Board of Alderman:** None

b. **Board of Adjustment:** None

c. **City Administrator:** None

8. **Adjournment:** There being no further discussions, **Chairman Bruns** asked for a motion to adjourn. A motion was made by Commissioner Brocato and seconded by Commissioner Madrigal. A voice vote was taken and approved 8-0 the meeting was adjourned at 8:22 p.m.